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Illinois Register

Rules of Governmental Agencies

Volume 17, Issue 13 — March 26, 1993

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1993

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 16, 1992	Dec. 23, 1992	1	(Mon.) Jan. 4, 1993	June 22, 1993	June 29, 1993	28	July 9, 1993
Dec. 23, 1992	Dec. 30, 1992	2	Jan. 8, 1993	June 29, 1993	July 6, 1993	29	July 16, 1993
Dec. 30, 1992	Jan. 5, 1993	3	Jan. 15, 1993	July 6, 1993	July 13, 1993	30	July 23, 1993
Jan. 5, 1993	Jan. 12, 1993	4	Jan. 22, 1993	July 13, 1993	July 20, 1993	31	July 30, 1993
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Jan. 19, 1993	Jan. 26, 1993	6	Feb. 5, 1993	July 27, 1993	Aug. 3, 1993	33	Aug. 13, 1993
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Feb. 2, 1993	Feb. 9, 1993	8	Feb. 19, 1993	Aug. 10, 1993	Aug. 17, 1993	35	Aug. 27, 1993
Feb. 9, 1993	Feb. 16, 1993	9	Feb. 26, 1993	Aug. 17, 1993	Aug. 24, 1993	36	Sept. 3, 1993
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Feb. 23, 1993	Mar. 2, 1993	11	Mar. 12, 1993	Aug. 31, 1993	Sept. 7, 1993	38	Sept. 17, 1993
Mar. 2, 1993	Mar. 9, 1993	12	Mar. 19, 1993	Sept. 7, 1993	Sept. 14, 1993	39	Sept. 24, 1993
Mar. 9, 1993	Mar. 16, 1993	13	Mar. 26, 1993	Sept. 14, 1993	Sept. 21, 1993	40	Oct. 1, 1993
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Apr. 27, 1993	May 4, 1993	20	May 14, 1993	Nov. 2, 1993	Nov. 9, 1993	47	Nov. 19, 1993
May 4, 1993	May 11, 1993	21	May 21, 1993	Nov. 9, 1993	Nov. 16, 1993	48	Nov. 29, 1993 (Mon.)
May 11, 1993	May 18, 1993	22	May 28, 1993	Nov. 16, 1993	Nov. 23, 1993	49	Dec. 3, 1993
May 18, 1993	May 25, 1993	23	June 4, 1993	Nov. 23, 1993	Nov. 30, 1993	50	Dec. 10, 1993
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June 1, 1993	June 8, 1993	25	June 18, 1993	Dec. 7, 1993	Dec. 14, 1993	52	Dec. 27, 1993 (Mon.)
June 8, 1993	June 15, 1993	26	June 25, 1993	Dec. 14, 1993	Dec. 21, 1993	1	Jan. 3, 1994 (Mon.)
June 15, 1993	June 22, 1993	27	July 2, 1993	Dec. 21, 1993	Dec. 28, 1993	2	Jan. 7, 1994

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

ILLINOIS STATE LABOR RELATIONS BOARD/
ILLINOIS LOCAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Procedures2) Code Citation: 80 Ill. Adm. Code 12003) Section Numbers:

1200.10	Amendment
1200.20	Amendment
1200.30	Amendment
1200.40	Amendment
1200.50	Amendment
1200.60	Amendment
1200.80	Amendment
1200.90	Amendment
1200.110	Amendment
1200.120	Amendment
1200.130	Amendment
1200.140	Amendment
1200.150	Amendment

4) Statutory Authority:

Illinois Public Labor Relations Act (Ill. Rev. Stat. 1991, ch. 48, pars. 1601 et seq.) [5 ILCS 315 (1992)].

5) A Complete Description of the Subjects and Issues Involved:

Section 1200.20(e): The proposed amendment is intended to avoid the current hardship imposed on parties located away from the cities that the Boards' offices are located. Therefore, it is proposed that a document be considered filed with the Boards on the date that it is postmarked, tendered to a delivery service or personally delivered. The current filing rule will only apply to documents filed after an extension of time has been granted.

Section 1200.30(d): The purpose of the proposed amendment is to establish a formal and uniform procedure for requesting postponements and filing extensions.

Section 1200.40: The proposed change to this Section is intended to more accurately articulate the authority of administrative law judges.

Section 1200.120: The proposed amendment to this section is intended to make the section more concise.

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The rest of the proposed amendments to this Part are technical and grammatical changes. For example, the amendments make the rules gender neutral, change the title of hearing officer to administrative law judge and update the statutory citations.

6) Will this proposed rule replace an emergency rule currently in effect?

No

7) Does this rulemaking contain an automatic repeal date?

No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference?

No

9) Are there any other proposed amendments pending on this Part?

No

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a state mandate as defined in the State Mandates Act, 30 ILCS 805/1 et seq.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments within 45 days from the date of publication of this Notice to:

Lydia Mills Wendt
Supervisory Counsel
Illinois State Labor Relations Board
320 West Washington Street, Suite 500
Springfield, IL 62701

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: The rule was not submitted to the Business Assistance Office of the Department of Commerce and Community Affairs.

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NOTICE OF PROPOSED AMENDMENTS

- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENTS

- TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS STATE LABOR RELATIONS BOARD/
ILLINOIS LOCAL LABOR RELATIONS BOARD

PART 1200
GENERAL PROCEDURES

Section	
1200.10	Definitions
1200.20	Filing and Service of Documents
1200.30	Computation and Extensions of Time
1200.40	Authority of Administrative Law Judges <i>Hearing Officers</i>
1200.50	Recording of Hearings
1200.60	Oral Argument and Briefs
1200.70	Representation of Parties
1200.80	Ex Parte Communications
1200.90	Subpoenas
1200.100	Transfer of Jurisdiction
1200.105	Consolidation of Proceedings
1200.110	Amicus Curiae Briefs
1200.120	Voluntary Settlement or Adjustment of Disputes
1200.130	Rules of Evidence
1200.140	Declaratory Rulings
1200.150	Conflicts of Interest
1200.160	Variances and Suspensions of Rules

AUTHORITY: Implementing and authorized by the Illinois Public Labor Relations Act (Ill. Rev. Stat. 1989], ch. 48, pars. 1601 et seq.) [5 ILCS 315 (1992)].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 17314, effective September 11, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1846, effective January 25, 1985; amended at 11 Ill. Reg. 6428, effective March 27, 1987; amended at 12 Ill. Reg. 20096, effective November 18, 1988; amended at 14 Ill. Reg. 19896, effective November 30, 1990; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

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Section 1200.10 Definitions

- a) The term "Act" shall mean the Illinois Public Labor Relations Act, (Ill. Rev. Stat. 1989¹, ch. 48, pars. 1601 et seq.) [5 ILCS 315 (1992)].
- b) This part incorporates the definitions contained in Section 3 of the Act.
- c) The term "Board" shall refer to the Illinois State Labor Relations Board and the Illinois Local Labor Relations Board or each Board individually as applicable, or an agent designated by the Board.
- d) The term "charging party" shall mean the person who files an unfair labor practice charge.
- e) The term "respondent" shall mean the party named in an unfair labor practice charge or complaint as having allegedly committed the unfair labor practice.
- f) The term "complaint" shall mean a Board document issued to the parties in an unfair labor practice proceeding, notifying them of a hearing and setting forth the issues of fact or law to be resolved at the hearing.
- g) An administrative law judge issuing/officer's recommended opinion of decision and order is not a final decision of the Board, but rather a recommended opinion in the name of the administrative law judge issuing/officer, setting forth findings of fact and conclusions of law and reasons therefor. Such a recommended opinion or decision and order will be reviewed by the Board upon the filing of exceptions or on the Board's own motion.
- h) The use of the masculine pronoun shall refer to both genders.

- h) An Executive Director's Report is a report concerning challenges and/or objections to an election. Such a report shall be reviewed by the Board upon the filing of an appeal by a party. Such reports are not intended to be final decisions of the Board, but rather contain the results of investigations and a determination regarding the existence of questions of law or fact sufficient to

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warrant a hearing. An Executive Director's Dismissal is a document which indicates that no questions of law or fact exist sufficient to warrant a hearing.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1200.20 Filing and Service of Documents

- a) All charges, petitions, mediation requests and other initial documents relating to any proceeding before the Illinois State Labor Relations Board shall be filed in the Board's Springfield office, which office shall be designated as the State Board's principal office. All subsequent documents shall be filed in either the Board's Springfield or Chicago office, as directed by the Board. All documents relating to any proceeding before the Illinois Local Labor Relations Board shall be filed with the Board's office in Chicago which shall be designated as the Local Board's principal office. Two copies of each document shall be filed.
- b) Whenever these rules require that a document be on a form developed by the Board, the document may be prepared on a form obtained from the Board or on a facsimile thereof. Minor deviations in the form of a document shall not be grounds for objecting to the document. Minor deviations are those concerning form rather than substance which therefore do not prejudice the other parties to a proceeding.
- c) All petitions, unfair labor practice charges, intervening claims and amendments thereto except as otherwise provided in this Part, all hearings/ proceedings/ in a matter before the Board shall be served on the appropriate parties by the Board by certified mail.
- d) Except as otherwise provided, all documents, except those listed in subsection (c), above, shall be served by the party filing the document on the appropriate all other parties to the proceedings. Evidence submitted to the Board in the course of an investigation shall not be subject to this requirement. When a party is represented in a proceeding before the Board, service shall be on the party's representative. When a party is not represented, service shall be on the party. The document shall be accompanied by proof of service. Proof of service shall consist of a written statement, signed by the party effecting service, detailing the

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name of the party served and the date and manner of service.

e) In all matters, a document shall be considered filed with the Boards on the date that it is postmarked, tendered to a delivery service or received by personal delivery in the office of the appropriate Board. However, in cases of filing of exceptions to an administrative law judge's recommended decision and order, responses thereto and briefs in connection therewith, where the filing period has been extended pursuant to the request of a party, the document shall be considered filed with the Boards on the date that it is received by the appropriate Board.

f) Unless specifically requested by the Board or its agent, the filing of documents with the Board by electronic transmission, such as telefax machine or computer modem, shall not be accepted.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1200.30 Computation and Extensions of Time

a) In computing any period of time prescribed by the Act or this Part, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included. If the last day falls on a Saturday, Sunday, or legal holiday, the time period shall be automatically extended to the next day that is not a Saturday, Sunday or legal holiday.

b) When a time period prescribed under the Act or these rules is less than seven days, intervening Saturdays, Sundays, or legal holidays shall not be included.

c) Service of a document upon a party by mail shall be presumed complete three days after mailing, if proof of service shows the document was properly addressed. This presumption may be overcome by the addressee, with evidence establishing that the document was not delivered or was delivered at a later date. A party's failure to accept or claim a document served by mail shall not be grounds overcoming the presumption.

d) Requests for postponements of hearings, investigations or conferences scheduled by the Board or its agents or extensions for the filing of briefs, exceptions or responses must be made prior

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to the then existing deadlines and will not be granted unless good and sufficient cause is shown and the following requirements are met:

1) the requests must be in writing directed to the investigator, administrative law judge, Executive Director or General Counsel responsible for the proceeding;

2) the grounds for the request must be set forth in detail;

3) the requesting party must specify alternate days for scheduling the hearing or conference or for the due date of any documents;

4) the position of all parties concerning both the postponement or extension requested and the proposed alternate dates must be ascertained in advance by the requesting party and set forth in the request;

5) for purposes of this section good and sufficient cause may include a showing to the satisfaction of the Board or its agents that a postponement or extension will result in settlement of the case;

6) except for good cause shown no request for postponement will be granted on any of the three days immediately preceding the date of a hearing, investigation or conference.

a) Extensions of time shall be granted only upon application to the Board or its agents, present only at the hearing or conference, and showing of good cause.

e) In any matter, the Board or its agents shall, by the date that it is received by the Board,

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1200.40 Authority of Administrative Law Judges Hearing Officers

The administrative law judge shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, to maintain order and to ensure development of a clear and complete record. The administrative law judge shall have all powers necessary to these ends including (but not limited to) the authority to:

NOTICE OF PROPOSED AMENDMENTS

- a) Hold pre-hearing conferences for settlement, simplification of the issues, or any other related purposes;
- b) Regulate the proceedings of the case, and the conduct of the parties and their counsel;
- c) Administer oaths and affirmations;
- d) Receive relevant testimony and evidence;
- e) Examine witnesses and direct witnesses to testify;
- f) Issue subpoenas and rule upon motions to revoke subpoenas;
- g) Rule on objections, motions and questions of procedure;
- h) Authorize the submission of briefs and set the time for the filing thereof;

Render and serve the recommended decision and order on the parties to the proceeding;

k) Carry out the duties of administrative law judge as provided or otherwise authorized by these rules and regulations or the Act.

Whenever the Board appoints a hearing officer to preside over a matter, the hearing officer shall have the authority to do any or all of the following:

disposal/procedural requests, or similar matters

67 convinne/or/dj@nyu.edu/layer/dave/

grant // applications // for // subpoenas // subpoenas // witnesses // and // or
documents // testimony // oral // any // affirmations // statements // witnesses // and // or
relevance // relevant // testimony // and // evidences // rules // upon // offers // of
proof // and // introduce // into // the // record // relevant // evidence.

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[illegible]

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1200.50 Recording of Hearings

Whenever a representation hearing, unfair labor practice hearing, strike investigation hearing or similar hearing is held by the Board or its administrative law judge hearing/officer under the Act or these rules, it shall be recorded by stenographic or other means which adequately preserves the record. The administrative law judge hearing/officer or the Board may order that the recording be transcribed. Parties may order transcripts and shall bear the costs of any transcripts that they order.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1200.60 Oral Argument and Briefs

A party is entitled upon request to a reasonable period of time at the close of the hearing for oral argument, which shall be made part of the record. A party is entitled, upon request made before the close of the hearing, to file a brief with the administrative law judge hearing/officer who may fix a reasonable time for the filing based upon the nature of the proceedings and the particular issues. The Board or the administrative law judge hearing/officer shall direct the filing of briefs when the filing is, in the opinion of the Board or administrative law judge hearing/officer, warranted by the nature of the proceedings or the particular issues involved. All briefs, whether filed with the Board or an administrative law judge hearing/officer, shall be no more than 50 pages, including attachments. Briefs longer than 50 pages, will not be accepted, unless prior approval has been granted by the administrative law judge hearing/officer or the General Counsel. Such approval will only be granted in extraordinary circumstances (e.g., in cases involving extremely complex issues, in cases involving factual or legal issues of first impression, or in cases involving a lengthy factual record).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1200.80 Ex Parte Communications

No party may engage in any ex parte communications with an administrative law judge hearing officer or with any member of the Board regarding matters pending before the Board.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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Section 1200.90 Subpoenas

- a) Following the issuance of a complaint for hearing or a notice of representation hearing, THE BOARD SHALL HAVE THE POWER TO ISSUE SUBPOENAS upon written application of a party. The Board or the administrative law judge ~~hearing/officer~~ may require the party requesting issuance of subpoenas to demonstrate, among other factors, that the request is reasonably required to carry out the proceedings before the Board. The application shall contain the name and address of the party and its representative, and the name of the person to be subpoenaed, and a description of any documents to be produced, and the date, time and place of the appearance to be commanded. The date and time may be prior to the hearing when the application seeks to subpoena documents only. Applications seeking to subpoena documents must be filed with the Board at least five days prior to the date on which the documents are to be produced and at least five days prior to the date of the hearing.
- b) A person objecting to the subpoena may file a motion to revoke the subpoena. Grounds for revocation shall include irrelevance, burdensomeness and privilege. The motion must be filed no later than five days after service of the subpoena.
- c) Subpoenas in impasse proceedings shall be handled in accordance with 80 Ill. Adm. Code 1230.90(d). Motions to revoke the subpoena in such proceedings shall be filed with the arbitrator or fact-finder.
- d) Witnesses appearing at a hearing pursuant to subpoena are entitled to the same fees and mileage as are allowed witnesses in civil cases in the courts of the State of Illinois, pursuant to Section 47 of ~~XX/ACT/containing/fees/and/savings/and/costs/savings/the several/counties/of/the/state/mtn/references/thereof/~~ Part 4 of the Fees and Salaries Act. (Ill. Rev. Stat. 1989), ch. 53, par. 65). [55 ILCS 45/47] The party at whose request the subpoena was issued shall be responsible for service of the subpoena and for ensuring that witness fees and mileage are paid.
- e) Board employees shall not be subpoenaed.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

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Section 1200.110 Amicus Curiae Briefs

The Board will accept ~~any/all~~ amicus curiae briefs in its proceedings. The ~~right/to~~ filing of ~~a~~ such briefs shall not serve to postpone or delay the proceedings.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1200.120 Voluntary Settlement or Adjustment of Disputes

The Board, as a matter of policy, encourages the voluntary efforts of the parties to settle or adjust disputes involving issues of representation, unfair labor practices, and interest and rights disputes. Any such efforts at resolution or conciliation and any resulting settlements shall be in compliance with the provisions, purposes and policies of the Act. ~~and this end//any/proceeding/conducted/pursuant/to/motion/act//all/interested parties/shall/may/and/opportunity/to/submit/evidence/arguments/offers/of settlement/and/proposals//of/adjustment/to/each/Board/for/its/designated hearing/officer/to/consideration~~ Any facts, admissions against interest, offers of settlement or proposals of adjustment which have been submitted pursuant to this Section shall not be used as evidence of an admission of a violation of the Act.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1200.130 Rules of Evidence

Considering the nature of the case and the representatives of the parties, the administrative law judge ~~hearing/officer~~ will, insofar as practicable, apply the rules of evidence applicable in Illinois courts.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1200.140 Declaratory Rulings

Parties may petition the Board's General Counsel for a declaratory ruling, pursuant to Section 9 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987), ch. 127, par. 100(5-150) 5 ILCS 100/5-150 as follows:

- a) In general public employee bargaining units covered by 80 Ill.

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Adm. Code 1230. Subpart C, if, after the commencement of negotiations and before reaching agreement, the exclusive representative and the employer have a good faith disagreement over whether the Act requires bargaining over a particular subject or particular subjects, they may jointly petition for a declaratory ruling concerning the status of the law.

1) The petition must be signed by both parties and must contain the name, address, telephone number and person to contact for each party, the date negotiations began, a statement of the legal issue on which a declaratory ruling is sought, and a copy of the most recently negotiated contract, if any.

2) Declaratory rulings shall not be issued concerning factual issues that are in dispute.

3) Each party shall file a brief no later than 10 days after the filing of the petition.

4) Any party desiring oral argument shall request oral argument in writing prior to or at the time of the filing of its brief. Oral argument shall be held no later than seven days after the filing of the briefs.

5) The General Counsel shall issue a declaratory ruling no later than 30 days after the filing of the petition.

6) The parties shall continue to have a duty to bargain in good faith during the pendency of a declaratory ruling petition. The pendency of a declaratory ruling petition shall not stay the running of the 60 and 30 day notice periods provided in 80 Ill. Adm. Code 1230.140(a), (b), and (c). Nor shall the pendency of a declaratory ruling petition stay the running of the five day notice of intent to strike required under Section 17(a)(5) of the Act.

b) In protective service employee bargaining units covered by 80 Ill. Adm. Code 1230. Subpart B, if, after the commencement of negotiations and before reaching agreement, the exclusive representative and the employer have a good faith disagreement over whether the Act requires bargaining over a particular subject or particular subjects, they may jointly petition for a declaratory ruling concerning the status of the law. If a request for interest arbitration has been served in accordance with 80 Ill. Adm. Code 1230.70 and either the exclusive representative or the employer has requested the other party to join it in filing a

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declaratory ruling petition and the other party has refused the request, the requesting party may file the petition on its own, provided that the petition is filed no later than the first day of the interest arbitration hearing.

1) A joint petition must be signed by both parties. A petition filed by only one party must contain a statement that the other party has refused a request to join in the petition, and must contain a copy of the request for interest arbitration. All petitions must contain the name, address, telephone number and person to contact for each party, the date negotiations began, a statement of the legal issue on which a declaratory ruling is sought, and a copy of the most recently negotiated contract, if any.

2) Declaratory rulings shall not be issued concerning factual issues that are in dispute.

3) The Board shall serve a copy of a petition filed by only one party on the other party. Each party shall file a brief no later than 10 days after the filing of a joint petition, or no later than 10 days after the service of a petition filed by only one party.

4) Any party desiring oral argument shall request oral argument in writing prior to or at the time of the filing of its brief. Oral argument shall be held no later than seven days after the filing of the briefs.

5) The General Counsel shall issue a declaratory ruling no later than 30 days after the filing of the petition.

6) The parties shall continue to have a duty to bargain in good faith during the pendency of a declaratory ruling petition. The pendency of a declaratory ruling petition shall not stay mediation or interest arbitration proceedings required under the Act.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1200.150 Conflicts of Interest

No person who has been a Board member or an employee of the Board shall engage in practice before the Board or its agents in any respect in

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connection with any case or proceeding which was pending during said person's ~~his~~ membership on or employment with the Board.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

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1) Heading of the Part: Impasse Resolution

2) Code Citation: 80 Ill. Adm. Code 1230

3) Section Numbers:

1230.10	Amendment
1230.80	Amendment
1230.90	Amendment
1230.150	Amendment
1230.160	Amendment
1230.180	Amendment
1230.190	Amendment
1230.220	Amendment

4) Statutory Authority:

Illinois Public Labor Relations Act (Ill. Rev. Stat. 1991, ch. 48, pars. 1607, 1612, 1613, 1617, 1618 and 1605(i) and (j).) [5 ILCS 315/7, 12, 13, 17, 18 and 5(i) and (j) (1992)].

5) A Complete Description of the Subjects and Issues Involved:

Technical changes to make this section gender neutral and correct statutory citations.

6) Will this proposed rule replace an emergency rule currently in effect?

No

7) Does this rulemaking contain an automatic repeal date?

No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference?

No

9) Are there any other proposed amendments pending on this Part?

No

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a state mandate as

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defined in the State Mandates Act, 30 ILCS 805/1 et seq.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments within 45 days from the date of publication of this Notice to:

Lydia Mills Wendt
Supervisory Counsel
Illinois State Labor Relations Board
320 West Washington Street, Suite 500
Springfield, IL 62701

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: The rule was not submitted to the Business Assistance Office of the Department of Commerce and Community Affairs.
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendments begins on the next page.

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE C: LABOR RELATIONS

CHAPTER IV: ILLINOIS STATE LABOR RELATIONS BOARD/

ILLINOIS LOCAL LABOR RELATIONS BOARD

PART 1230

IMPASSE RESOLUTION

SUBPART A: STATEMENT OF PURPOSE AND DEFINITION

Section

1230.10 General Statement of Purpose
1230.20 Definitions

SUBPART B: IMPASSE PROCEDURES FOR PROTECTIVE SERVICES UNITS

Section

1230.30 General Purpose of this Subpart
1230.40 Filing of Contracts
1230.50 Bargaining Notices for Protective Services Units
1230.60 Mediation
1230.70 Demand for Compulsory Interest Arbitration
1230.80 Composition of the Arbitration Panel
1230.90 Conduct of the Interest Arbitration Hearing
1230.100 The Arbitration Award
1230.110 Employer Review of the Award

SUBPART C: IMPASSE PROCEDURES FOR GENERAL PUBLIC EMPLOYEE UNITS

Section

1230.120 General Purpose of this Subpart
1230.130 Filing of Contracts
1230.140 Bargaining Notices for General Public Employee Units
1230.150 Mediation
1230.160 Fact-finding
1230.170 Voluntary Interest Arbitration
1230.180 Strikes
1230.190 Petitions for Strike Investigations

SUBPART D: GRIEVANCE ARBITRATION AND MEDIATION

Section

1230.200 Grievance Arbitration
1230.210 Grievance Mediation

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SUBPART E: ILLINOIS PUBLIC EMPLOYEE MEDIATION/ARBITRATION ROSTER

Section

1230.220 Mediation/Arbitration Roster

AUTHORITY: Implementing Sections 7, 12, 13, 17 and 18 and authorized by Section 5(i) and (j) of the Illinois Public Labor Relations Act (Ill. Rev. Stat. 1989⁹¹, ch. 48, pars. 1607, 1612, 1613, 1617, 1618, 1605(i) and (j)) [5 ILCS 315/7, 12, 13, 17, 18, 5(i) and (j) (1992)].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 17322, effective September 11, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1857, effective January 25, 1985; Part repealed, new Part adopted at 11 Ill. Reg. 6434, effective March 27, 1987; amended at 12 Ill. Reg. 20102, effective November 18, 1988; amended at 14 Ill. Reg. 19903, effective November 30, 1990; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: STATEMENT OF PURPOSE AND DEFINITION

Section 1230.10 General Statement of Purpose

a) In creating this Part, it is the Illinois State and Local Labor Relations Boards' ("Board") intent to be cognizant of the interests of labor organizations, public employers and employees, and the general public in assuring stable labor relations in the public sector. In pursuit of this objective, it is incumbent upon both labor organizations and public employers to adhere to and comply with the rules and regulations set forth herein, particularly those provisions which set forth time periods and those provisions which set forth requirements for filing, with the Board, contracts, bargaining notices and other documents.

b) The regulations contained in this Part detail the procedures for giving required notices during collective bargaining, for resolving impasses in collective bargaining, for making appointments to the Illinois Public Employees Mediation/Arbitration Roster, and for the selection of mediators, fact-finders and arbitrators from the Roster. The regulations in this Part implement the policies of the Illinois Public Labor Relations Act ("Act") (Ill. Rev. Stat. 1989⁹¹, ch. 48, pars. 1601 et seq.) [5 ILCS 315 (1992)] to provide peaceful and orderly procedures to protect the rights of public employers, public

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employees, labor organizations and the general public, to prevent labor strife and to protect the public health and safety.

(Source: Amended at 17 Ill. Reg. _____, effective _____.)

SUBPART B: IMPASSE PROCEDURES FOR PROTECTIVE SERVICES UNITS

Section 1230.80 Composition of the Arbitration Panel

a) Unless otherwise agreed to in writing by the parties, the arbitration panel shall consist of three members: the employer's delegate, the exclusive representative's delegate and the neutral chairman.

b) Selection of the neutral chairman shall proceed as follows:

1) Within seven days of receipt of a timely filed Demand for Compulsory Interest Arbitration, the Board shall send the parties a list of seven interest arbitrators selected from the Illinois Public Employees Mediation/Arbitration Roster, unless the parties have notified the Board of an agreement to use an alternate source of interest arbitrators. The parties may agree to use an alternate source of interest arbitrators at any time prior to appointment of an arbitrator by the Board.

2) THE PARTIES MAY SELECT AN INDIVIDUAL ON THE LIST PROVIDED BY THE BOARD OR ANY OTHER INDIVIDUAL MUTUALLY AGREED UPON BY THE PARTIES. WITHIN seven DAYS FOLLOWING THE RECEIPT OF THE LIST, THE PARTIES SHALL NOTIFY THE BOARD OF THE PERSON THEY HAVE SELECTED. UNLESS THE PARTIES AGREE ON AN ALTERNATE SELECTION PROCEDURE, THEY SHALL ALTERNATIVELY STRIKE ONE NAME FROM THE LIST PROVIDED BY THE BOARD UNTIL ONLY ONE NAME REMAINS. A COIN TOSS SHALL DETERMINE WHICH PARTY SHALL STRIKE THE FIRST NAME. (Section 14(c) of the Act.)

3) IF THE PARTIES FAIL TO NOTIFY THE BOARD OF THEIR SELECTION FOR NEUTRAL CHAIRMAN, THE BOARD SHALL APPOINT, AT RANDOM, A NEUTRAL CHAIRMAN FROM THE ILLINOIS PUBLIC EMPLOYEES MEDIATION/ARBITRATION ROSTER. (Section 14(c) of the Act.)

4) If the neutral chairman is unable or unwilling to commence the hearing within 15 days following his appointment or within such additional time period to which the parties may

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agree pursuant to Section 1230.90(a) of this Part, or if the neutral chairman is otherwise unable or unwilling to serve, the parties shall notify the Board within five days. The Board shall provide the parties with a second list of seven interest arbitrators from the Illinois Public Employees Mediation/Arbitration Roster. Within seven days after the Board provides the list, the parties shall select an individual from the list or any other individual to serve as neutral chairman. If the parties fail to notify the Board of their selection, the Board shall appoint a neutral chairman. Except in exceptional circumstances, the Board shall not supply the parties with more than two lists of interest arbitrators.

- c) Within 10 days following the filing of the demand for compulsory interest arbitration, each party shall notify the Board of the name, address and telephone number of its delegate to the interest arbitration panel. Delegates who are public officers or public employees shall continue on the payroll of the public employer during the arbitration proceeding without loss of pay.

- d) Upon receipt of the names of the delegates and upon selection of a neutral chairman, the Board shall notify the neutral chairman in writing of the Chairman's ~~15~~ appointment. The date of receipt of such notice shall be the date of the neutral chairman's appointment.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1230.90 Conduct of the Interest Arbitration Hearing

- a) The neutral chairman of the arbitration panel shall provide the parties with reasonable notice of a hearing to commence within 15 days following the Chairman's ~~15~~ appointment. The parties may agree in writing to extend the time for commencement of the hearing for a period of time not to exceed 90 days. The hearing shall conclude within 30 days following its commencement, unless the parties agree to extend this period.

- b) The arbitration panel shall be responsible for choosing the location of the hearing and securing the premises. The Board hereby deems it appropriate for hearings to take place at the location selected by the panel. Requests to use the hearing rooms

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at the Board's offices must be made to the Board at least 10 days in advance, and will only be granted if space is available.

- c) The neutral chairman SHALL PRESIDE OVER THE HEARING AND SHALL TAKE TESTIMONY. (Section 14(d) of the Act). The neutral chairman shall control the hearing to ensure that it is concluded expeditiously within 30 days after its commencement or within such longer period to which the parties may agree.

- d) The neutral chairman shall have the authority to issue subpoenas in accordance with this Section. Subpoenas shall be secured by the neutral chairman from the Board's office. IF ANY PERSON REFUSES TO OBEY A SUBPOENA, OR REFUSES TO BE SWORN OR TO TESTIFY, OR IF ANY WITNESS, PARTY OR REPRESENTATIVE IS GUILTY OF CONTEMPT WHILE IN ATTENDANCE AT THE HEARING, (Section 14(e) of the Act) the neutral chairman may advise the Board's General Counsel. The General Counsel shall request the assistance of the Attorney General to INVOKE THE AID OF THE CIRCUIT COURT WITHIN THE JURISDICTION IN WHICH THE HEARING IS BEING HELD. (Section 14(e) of the Act).

- e) The arbitration proceeding shall be informal. TECHNICAL RULES OF EVIDENCE SHALL NOT APPLY AND THE COMPETENCE OF EVIDENCE SHALL NOT THEREBY BE DEEMED IMPAIRED. (Section 14(d) of the Act).

- f) THE ARBITRATION PANEL MAY ADMINISTER OATHS, REQUIRE THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, CONTRACTS, AGREEMENTS, AND DOCUMENTS AS MAY BE DEEMED BY IT TO BE MATERIAL TO A JUST DETERMINATION OF THE ISSUES IN DISPUTE. (Ill. Rev. Stat. 1989, ch. 48, par. 1614(e)) [5 ILCS 315/14(e) (1992)].

- g) The hearing proceedings shall be transcribed. The arbitration panel shall arrange for the recording and transcription of the proceedings. The costs of recording and transcribing the hearing shall be shared equally by the parties. Any party that desires a copy of the transcript shall be responsible for the cost of its copy.

- h) The neutral chairman, IF HE IS OF THE OPINION THAT IT WOULD BE USEFUL OR BENEFICIAL TO DO SO, MAY REMAND THE DISPUTE TO THE PARTIES FOR FURTHER COLLECTIVE BARGAINING FOR A PERIOD NOT TO EXCEED TWO WEEKS. (Section 14(f) of the Act). The chairman shall notify the Board in writing of any such remand. If the dispute is remanded to the parties, the running of the time period for conclusion of the hearing shall be stayed.

i) MAJORITY ACTIONS AND RULINGS SHALL CONSTITUTE THE ACTIONS AND RULINGS OF THE ARBITRATION PANEL. (Section 14(d) of the Act).

j) ARBITRATION PROCEEDINGS SHALL NOT BE INTERRUPTED OR TERMINATED BY REASON OF ANY UNFAIR LABOR PRACTICE CHARGES INVOLVING EITHER PARTY. (Section 14(d) of the Act).

k) Whenever one party has objected in good faith to the presence of an issue before the arbitration panel on the ground that the issue does not involve a subject over which the parties are required to bargain, the arbitration panel's award shall not consider that issue. However, except as provided in subsections (l) and (m) of this Part, the arbitration panel may consider and render an award on any issue that has been declared by the Board, or by the General Counsel pursuant to 80 Ill. Adm. Code 1200.140(b), to be a subject over which the parties are required to bargain.

l) In arbitration proceedings involving peace officers, the arbitration panel shall not consider or render an award on residency requirements, the total number of employees employed by the department, mutual aid and assistance agreements to other units of government, and the criteria by which force, including deadly force, can be used. The panel shall consider the type of equipment, other than uniforms, issued or used, or manning levels only if it finds that the issue involves A SERIOUS RISK TO THE SAFETY OF A PEACE OFFICER BEYOND THAT WHICH IS INHERENT IN THE NORMAL PERFORMANCE OF POLICE DUTIES. (Section 14(i) of the Act).

m) In arbitration proceedings involving firefighters or paramedics employed by fire departments or fire protection districts, the arbitration panel shall not consider or render an award on residency requirements, the total number of employees employed by the department, mutual aid and assistance agreements to other units of government, and the criteria by which force, including deadly force, can be used. The panel shall consider the type of equipment, other than uniforms, issued or used, only if it finds that the issue involves A SERIOUS RISK TO THE SAFETY OF A FIRE FIGHTER BEYOND THAT WHICH IS INHERENT IN THE NORMAL PERFORMANCE OF FIRE FIGHTER DUTIES. (Section 14(i) of the Act). These limitations shall not apply to any provision of a firefighter collective bargaining agreement in effect and applicable as of January 1, 1986.

n) If issues of peace officer manning, or peace officer, firefighter or paramedic equipment are raised, unless otherwise agreed to by the parties, the panel shall receive evidence concerning the

existence of a serious safety risk beyond that which is inherent in the normal performance of the employee's duties and evidence concerning the merits of the issue in the same proceeding.

o) The arbitration panel shall:

1) determine which issues are in dispute and which of those issues are economic issues and serve a copy of that determination on the parties; and

2) require the parties to submit their final offers of settlement on each economic issue in dispute;

3) The panel need not determine whether, with regard to protective service employees, equipment or manning issues involve serious safety risks beyond that which is inherent in the normal performance of the employees' duties at this stage of the proceeding.

4) The panel may allow the parties reasonable additional time, as determined by the number and the complexity of the issues, for presenting written or oral arguments in support of their positions. The hearing shall be considered concluded when final offers are submitted or when written or oral arguments are presented, whichever is later.

p) The neutral chairman's fee, the costs of recording and transcribing the hearing, the rent, if any for the hearing room, and all other costs of the proceeding, except for supplemental proceedings necessitated by an employer's rejection of an arbitration award, shall be shared equally by the parties.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

SUBPART C: IMPASSE PROCEDURES FOR GENERAL PUBLIC EMPLOYEE UNITS Section 1230.150 Mediation

a) Requests for mediation shall be on Board form 038. Joint requests for mediation may be made by telephone, provided that a written request follows immediately.

b) Requests for mediation in negotiations for either successor or

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initial contracts may be made at any time after the parties have commenced negotiations.

- c) Requests for mediation shall generally be made jointly. Unilateral requests for mediation may be made only after the party requesting mediation has asked the other party to join in the request and the other party has refused. Unilateral requests for mediation shall be accompanied by a written statement setting forth the circumstances of the other party's refusal to join in the request. Upon receipt of a unilateral request for mediation, the Board shall investigate the request. If the Board's investigation discloses that the request was properly filed under this Part, that bargaining has not resulted in an agreement, and that mediation would assist the parties, the Board shall grant the request. Unilateral requests filed by the exclusive representative in conformance with this Section shall satisfy the precondition for a lawful strike set forth in Section 17(a)(4) of the Act.
- d) Whenever the Board grants a request for mediation it shall provide the parties with a panel of at least three mediators listed on the Public Employees Mediation/Arbitration Roster. The parties shall have seven days from receipt of the list to choose one of the persons on the panel or any other person they choose to serve as mediator. If at the end of this seven-day period the parties have not notified the Board of their selection, the Board shall appoint a mediator.

e) Mediation shall be conducted as follows:

- 1) THE FUNCTION OF THE MEDIATOR SHALL BE TO COMMUNICATE WITH THE EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE OR THEIR REPRESENTATIVES AND TO ENDEAVOR TO BRING ABOUT AN AMICABLE AND VOLUNTARY SETTLEMENT. (Section 12(a) of the Act).
- 2) The mediator may hold joint and separate conferences with the parties. The conferences shall be private unless the parties otherwise agree.
- 3) Information disclosed by a party to a mediator in the performance of mediation functions shall not be disclosed voluntarily or by compulsion. All files, records, reports, documents, or other papers prepared by a mediator shall be considered confidential. The mediator shall not produce any confidential records of, or testify in regard to, any

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mediation previously conducted by/HM, on behalf of any party to any case pending in any type of proceeding.

- 4) The mediator shall keep the Board apprised of the status of the negotiations.
- f) Compensation of the mediator shall be paid equally by the parties, however, IF EITHER PARTY REQUESTS THE USE OF MEDIATION SERVICES FROM THE FEDERAL MEDIATION AND CONCILIATION SERVICE, THE OTHER PARTY SHALL EITHER JOIN IN SUCH REQUEST OR BEAR THE ADDITIONAL COST OF MEDIATION SERVICES FROM ANOTHER SOURCE. (Ill. Rev. Stat. 1989, ch. 48, par. 1617(a)(5)) [5 ILCS 315/17(a)(5) (1992)].

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1230.160 Fact-finding

- a) The parties may agree in writing to the use of fact-finding in resolving their disputes.
- b) Requests for fact-finding shall be filed on Board form 038 and shall be accompanied by a copy of the parties' agreement to use fact-finding.
- c) Upon receipt of the request for fact-finding, the Board shall supply the parties with a list of seven fact-finders listed on the Public Employees Mediation/Arbitration Roster. The parties shall select one individual from the list to serve as fact-finder within 10 days of service of the list. If the parties advise the Board that they are unable to select one of the seven individuals on the list, the Board shall provide a second list. Except in extraordinary circumstances, the Board shall not provide more than two lists. The parties shall notify the Board of the name of the individual they select to serve as fact-finder. Upon being so notified, the Board shall appoint the fact-finder.
- d) If fact-finding follows mediation, the parties may agree to use the mediator as fact-finder, provided that the mediator is not a Board employee.
- e) The fact-finding hearing shall be conducted as follows:
- 1) THE PERSON APPOINTED AS FACT-FINDER SHALL IMMEDIATELY ESTABLISH THE DATES AND PLACE OF HEARING.

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of the agreement unless the parties agree to forgo these provisions.

c) THE PUBLIC EMPLOYER AND THE LABOR ORGANIZATION HAVE NOT MUTUALLY AGREED TO SUBMIT THE DISPUTED ISSUES TO FINAL AND BINDING ARBITRATION. (Ill. Rev. Stat. 1989, ch. 48, par. 1617(a)(3)) [5 ILCS 315/17(a)(3) (1992)].

d) THE EXCLUSIVE REPRESENTATIVE HAS REQUESTED A MEDIATOR PURSUANT TO SECTION 12 of the Act and Section 1230.150 of this Part AND MEDIATION HAS BEEN USED (Ill. Rev. Stat. 1989, ch. 48, par. 1617(a)(4)) [5 ILCS 315/17(a)(4) (1992)].

e) AT LEAST FIVE DAYS HAVE ELAPSED AFTER A NOTICE OF INTENT TO STRIKE HAS BEEN GIVEN BY THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC EMPLOYER. (Ill. Rev. Stat. 1989, ch. 48, par. 1617(a)(5)) [5 ILCS 315/17(a)(5) (1992)]. A copy of the notice shall be filed with the Board and shall reference the contract number in cases of negotiations for successor contracts or the certification case number in cases of negotiations for initial contracts. The five day time period shall be calculated in accordance with 80 Ill. Adm. Code 1200.30(a) and (b).

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1230.190 Petitions for Strike Investigations

a) IF A STRIKE, WHICH MAY CONSTITUTE A CLEAR AND PRESENT DANGER TO THE HEALTH AND SAFETY OF THE PUBLIC IS ABOUT TO OCCUR OR IS IN PROGRESS, THE PUBLIC EMPLOYER CONCERNED MAY, (Ill. Rev. Stat. 1989, ch. 48, par. 1618(a)) [5 ILCS 315/18(a) (1992)] file with the Board a petition for a strike investigation.

b) A petition for a strike investigation shall be on form 039 by the Board and shall contain:

- 1) the name, address and telephone number of the petitioner;
- 2) the name, address, telephone number and affiliation, if any, of the labor organization that is threatening or conducting the strike;
- 3) the name, address and telephone number of the parties' representatives;

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2) UPON REQUEST, THE BOARD SHALL ISSUE SUBPOENAS FOR HEARINGS CONDUCTED BY THE FACT-FINDER.

3) THE FACT-FINDER MAY ADMINISTER OATHS. (Ill. Rev. Stat. 1989, ch. 48, par. 1613(b)) [5 ILCS 315/13(b) (1992)].

f) The fact-finder shall issue a ~~his~~ report and findings as follows:

1) The fact-finder shall serve ~~these~~ ~~his~~ findings and report on the parties and the Board within 45 days after the fact-finder's ~~his~~ appointment, unless the parties mutually agree to extend the time period.

2) Within five days after service of the findings and report, the fact-finder shall mail the ~~his~~ findings and report to all newspapers of general circulation in the community as mutually designated by the parties, unless the parties mutually request otherwise.

g) The costs of the fact-finding proceeding shall be shared equally by the parties.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1230.180 Strikes

Employees in general public employee units have the right to strike, provided that the following conditions have been met:

a) THE EMPLOYEES ARE REPRESENTED BY AN EXCLUSIVE BARGAINING REPRESENTATIVE (Ill. Rev. Stat. 1989, ch. 48, par. 1617(a)(1)) [5 ILCS 315/17(a)(1) (1992)] that has been certified by the Board or that has a valid claim to status as an historical bargaining representative pursuant to Section 3(f) of the Act;

b) THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PUBLIC EMPLOYER AND THE PUBLIC EMPLOYEES, IF ANY, HAS EXPIRED, OR SUCH AGREEMENT DOES NOT PROHIBIT THE STRIKE. (Ill. Rev. Stat. 1989, ch. 48, par. 1617(a)(2)) [5 ILCS 315/17(a)(2) (1992)]. Pursuant to Section 8 of the Act, a collective bargaining agreement must contain provisions prohibiting strikes for the agreement's duration and providing for a grievance procedure culminating in final and binding arbitration of disputes over the interpretation

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- 4) the date that the strike began or is threatened to begin;
- 5) a detailed description of the danger posed by the strike to the public health and safety.
- c) Petitioner shall attach to its petition copies of all relevant evidence, including affidavits, of the existence of a strike or the threat of a strike, and of the existence of a CLEAR AND PRESENT DANGER TO THE HEALTH AND SAFETY OF THE PUBLIC. (Section 18 of the Act).
- d) The employer shall serve a copy of the petition on the labor organization prior to or simultaneously with its filing with the Board. Service shall be in person or by overnight delivery.
- e) The Board shall investigate the petition. If there are disputed issues of material fact, the Board shall hold an expedited hearing. The Board shall issue its findings within 72 hours following the filing of the petition.
- f) If the Board finds that there is no strike or threat of a strike, or that there is no CLEAR AND PRESENT DANGER TO THE HEALTH AND SAFETY OF THE PUBLIC, (Section 18 of the Act) or that the employer is otherwise not entitled to relief pursuant to Section 18 of the Act, the Board shall serve its findings on the parties. The employer may refile its petition for a strike investigation only if it alleges that circumstances have changed since the filing of the Board's findings.
- g) If the Board finds that there is a strike or a threat of a strike that poses a CLEAR AND PRESENT DANGER TO THE HEALTH AND SAFETY OF THE PUBLIC, (Section 18 of the Act) and the Board finds that the employer is otherwise entitled to relief pursuant to Section 18 of the Act, the Board shall serve its findings on the parties.
- h) Whenever a court enjoins a strike and orders interest arbitration in accordance with Section 14 of the Act, Section 1230.80 through 1230.110 of this Part shall govern the arbitration.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

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SUBPART E: ILLINOIS PUBLIC EMPLOYEES MEDIATION/ARBITRATION ROSTER

Section 1230.220 Mediation/Arbitration Roster

- a) The Boards shall establish an Illinois Public Employees Mediation/Arbitration Roster and shall make its services available for mediation, fact-finding, interest arbitration, grievance arbitration, and grievance mediation. The Roster shall list qualified mediators, fact-finders, interest arbitrators, and grievance arbitrators. A person may be qualified in more than one category.
- b) Appointment to the Roster shall be based upon a majority vote of the members of both Boards, after application by the individual. The application shall be on a form developed by the Boards.
- c) In making appointments to the Roster, the Boards shall consider such factors as experience and training, membership on other recognized mediation or arbitration panels, education, prior published awards, current advocacy in employment relations matters, letters of recommendation supporting the application, and any other relevant material supplied by the applicant or requested by the Boards. Individuals appointed to the Roster shall be residents of the State of Illinois. The members of the Public Employees Mediation/Arbitration Roster are persons who are on the labor arbitration panels of either the American Arbitration Association or the Federal Mediation and Conciliation Service or who are members of the National Academy of Arbitrators.
- d) Individuals appointed to the Roster shall file with the Boards a brief biographical sketch, a concise resume of their experience relevant to the position for which they are listed and a fee schedule. Whenever an individual is selected to serve in a case, that individual shall not charge a fee greater than that listed in the fee schedule an individual ~~Me~~ has filed with the Boards. A minimum of 30 days notice shall be given to the Board for changes in fee schedules.
- e) Requests for panels from the Roster shall be submitted on a form developed by the Boards and shall include:
 - 1) The name, address, telephone number and affiliation, if any, of the parties submitting the request;
 - 2) The name, address and telephone number of the parties' representatives;

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- 3) The type of service requested; and
- 4) A brief description of the nature of the dispute, including unresolved issues, to the extent known.
- f) Whenever the Board provides the parties with a panel selected from the Roster, the Board shall provide copies of the biographical sketches and fee schedules of the panelists.
- g) The parties may jointly request that panels submitted to them contain or omit specific individuals. No party may unilaterally make such a request.
- h) Individuals listed on the Roster shall abide by the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes, as amended, effective May 29, 1985, and adopted by the National Academy of Arbitrators and the American Arbitration Association, and shall take the constitutional affirmation of office. This incorporation by reference does not contain any further amendments.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

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- 1) Heading of the Part: Representation Proceedings
- 2) Code Citation: 80 Ill. Adm. Code 1210
- 3) Section Numbers:

1210.10	Amendment
1210.100	Amendment
1210.140	Amendment
1210.160	Amendment
1210.170	Amendment
1210.180	Amendment
- 4) Statutory Authority:

Illinois Public Labor Relations Act (Ill. Rev. Stat. 1991, ch. 48, pars. 1609, 1605(i) and (j).) [5 ILCS 315/9, 5(i) and (j) (1992)].
- 5) A Complete Description of the Subjects and Issues Involved:

Section 1210.100(j): The addition of this subsection is proposed so as to specify the procedure to be used if an administrative law judge becomes unavailable to the Board.

Section 1210.160(b)(7): This proposed amendment is necessary to clearly state part of the intent of Section 1210.160(b)(6). Thus, the addition requires both parties, to the voluntary recognition procedure, to state why the proposed bargaining unit is appropriate.

Section 1210.180: The current rules do not provide for a procedure to change the name of the employing entity of a unit. The proposed amendment corrects that situation.

The other proposed amendments to this Part make technical corrections such as statutory citations, changing hearing officer to administrative law judge and making the rules gender neutral.

- 6) Will this proposed rule replace an emergency rule currently in effect?

No

- 7) Does this rulemaking contain an automatic repeal date?

No

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8) Does this proposed rule (amendment, repealer) contain incorporations by reference?

No

9) Are there any other proposed amendments pending on this Part?

No

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a state mandate as defined in the State Mandates Act, 30 ILCS 805/1 et seq.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments within 45 days from the date of publication of this Notice to:

Lydia Mills Wendt
Supervisory Counsel
Illinois State Labor Relations Board
320 West Washington Street, Suite 500
Springfield, IL 62701

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: The rule was not submitted to the Business Assistance Office of the Department of Commerce and Community Affairs.

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the proposed amendments begins on the next page.

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE C: LABOR RELATIONS

CHAPTER IV: ILLINOIS STATE LABOR RELATIONS BOARD/
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PART 1210

REPRESENTATION PROCEEDINGS

Section

- 1210.10 General Statement of Purpose
- 1210.20 Labor Organization Options in Seeking Recognition
- 1210.30 Employer Options in Responding to Recognition Requests
- 1210.40 Representation Petitions
- 1210.50 Intervention Petitions
- 1210.60 Decertification Petitions
- 1210.70 Timeliness of Petitions
- 1210.80 Showing of Interest
- 1210.90 Posting of Notice
- 1210.100 Processing of Petitions
- 1210.110 Consent Elections
- 1210.120 Bargaining Unit Determinations
- 1210.130 Eligibility of Voters
- 1210.140 Conduct of the Election
- 1210.150 Objections to the Election
- 1210.160 Voluntary Recognition Procedures
- 1210.170 Petitions for Amendment or Clarification of the Bargaining Unit
- 1210.180 Petitions to Amend Certification
- 1210.190 Expedited Elections Pursuant to Section 10(b)(7)(C) of the Act

AUTHORITY: Implementing Section 9 and authorized by Section 5(i) and (j) of the Illinois Public Labor Relations Act (Ill. Rev. Stat. 1989⁹¹, ch. 48, pars. 1609, 1605(i) and (j)) [5 ILCS 315/9, 5(i) and (j) (1992)].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 16014, effective August 22, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1870, effective January 25, 1985; amended at 11 Ill. Reg. 6461, effective March 27, 1987; amended at 12 Ill. Reg. 20110, effective November 18, 1988; amended at 14 Ill. Reg. 19930, effective November 30, 1990; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

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Section 1210.10 General Statement of Purpose

The regulations contained in this Part detail the procedures that employers, employees and labor organizations should use for employer voluntary recognition of a labor organization and for instituting representation and related proceedings. These procedures are the exclusive means by which a public employer may recognize a labor organization after the effective date of these rules. Any other purported recognition effected after the effective date of these rules shall not bar representation petitions, nor shall any collective bargaining agreement negotiated by the parties pursuant to the purported recognition bar representation petitions pursuant to the Illinois Public Labor Relations Act ("Act") (Ill. Rev. Stat. 1989, ch. 48, pars. 1601 et seq.) [5 ILCS 315 (1992)].

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1210.100 Processing of Petitions

- a) Within seven days after service of a petition, an employer shall file a list containing the full names of the employees in the proposed bargaining unit. In the event the employer does not supply the list within seven days, the Board shall administratively determine the adequacy of the showing of interest, based on the information provided by the union.
- b) All parties served with a representation or decertification petition shall ~~may~~ file a response to the petition. Any response filed shall set forth the positions of the parties with respect to the matters asserted in the petition, including, but not limited to, the appropriateness of the bargaining unit and, to the extent known, whether any employees sought by petitioner to be included in the unit are supervisory, managerial or confidential. If a party agrees to the appropriateness of the unit proposed in the petition, it shall so indicate. If a party disagrees with the unit proposed in the petition, it shall describe with particularity what it considers to be an appropriate unit, and shall include a description of the job titles and classifications of the employees to be included and of those to be excluded.
- c) The setting forth of a party's position with respect to the appropriate unit shall not be deemed to waive or otherwise preclude the right of that party to subsequently assert a

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different position with respect to what unit it considers to be appropriate.

- d) Petitions to intervene in the election may be filed with the Board no later than 15 days prior to the date of the election. However, any intervenor who files after the date set for hearing or, if no hearing is held, after the approval of a consent election agreement or the direction of an election, shall have waived objections to the bargaining unit.
- e) Upon receipt of the petition, the Board or its agent shall investigate the petition. The Executive Director shall dismiss a petition when a petition has been filed untimely; when the bargaining unit is clearly inappropriate; when the showing of interest is not adequate; when the employer is not covered by the Act; when the employees are not covered by the Act; and when for any other reason there is no reasonable cause to believe that a question of representation exists. The parties shall be given 10 days after service of the Dismissal to appeal the Dismissal to the Board. If the investigation discloses that there is reasonable cause to believe that a question concerning representation exists the Board shall set the matter for hearing before an administrative law judge ~~hearing/officer~~. All parties shall be given a minimum of 14 days notice of the hearing. If the only issues remaining between the parties after the investigation are logistical, e.g. the date of the election, the Executive Director may issue an Order Directing Election. The parties shall be given 10 days after service of the Executive Director's Order Directing Election to appeal the Order to the Board.
- f) Interested persons, other than labor organizations, who may be necessary to the proceedings, who wish to intervene in the hearing shall direct such requests to the administrative law judge ~~hearing officer~~. The request shall be in writing and shall state the grounds for intervention. The administrative law judge ~~hearing officer~~ shall have discretion to grant or deny the request for intervention. The decision shall be based upon the interests of the intervenor, whether those interests will be adequately protected by existing parties, and the timeliness of the intervenor's request.
- g) The administrative law judge ~~hearing/officer~~ may schedule a prehearing conference or request statements of position when it appears to the administrative law judge ~~hearing/officer~~ that such would expedite the procedure.

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- h) The hearing shall be non-adversarial in nature. All parties may present evidence and make arguments, subject to the control of the administrative law judge ~~hearing/officer~~.
- i) The administrative law judge ~~hearing/officer~~ shall inquire fully into all matters in dispute, and shall obtain a full and complete record. The administrative law judge ~~hearing/officer~~ shall file and serve on the parties a recommended disposition of the case as expeditiously as possible.

j) In the event the administrative law judge becomes unavailable to the Board during the proceeding, for reasons including but not limited to death or resignation, the general counsel or the general counsel's agent may designate another administrative law judge.

k) Exceptions

- 1) Parties may file exceptions to the administrative law judge ~~hearing/officer's~~ recommendation and briefs in support of those exceptions no later than 14 days after service of the recommendation. Parties may file responses to exceptions and briefs in support of the responses no later than 10 days after service of the exceptions. Each party shall serve its exceptions, responses, and briefs on the other parties. Parties desiring oral argument before the Board shall request oral argument and provide the reasons for the requests in their exceptions or responses. The Board will grant or deny requests for oral argument depending upon the significance, complexity and novelty of the issues. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions.

2) Requirements

- A) Each exception
- i) shall set forth specifically the questions of procedure, fact, law, or policy to which exceptions are taken;
 - ii) shall identify that part of the administrative law judge ~~hearing/officer's~~ recommended ~~opinion/~~of decision and order to which objection is made; and
 - iii) shall state the grounds for the exceptions and shall include the citation of authorities unless set forth in a supporting brief.

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- B) Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

3) Any brief in support of exceptions shall be confined to the subjects raised in the exceptions and shall contain, in the order indicated, the following:

- A) A clear and concise statement of the case containing all that is material to the consideration of the questions presented.

B) A specification of the questions involved and to be argued.

C) The argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question.

4) Briefs in support of responses to exceptions shall be limited to the questions raised in the exceptions and in the brief in support thereof. It shall present clearly the points of fact and law relied upon in support of the positions taken on each question.

k) The Board will review the administrative law judge ~~hearing officer's~~ recommendation upon request by a party or on its own motion. The Board may adopt all, part, or none of the recommendation depending on the extent to which it is consistent with the record and the applicable law. If the Board determines that a question concerning representation exists, the Board shall direct the holding of an election on a date and at a time and place set by the Board. The Board shall direct the posting of a notice of election.

l) Within seven days following the Board's direction of an election, the employer shall furnish the Board and the labor organizations with a list of the full names, alphabetized by last name, and addresses of the employees eligible to vote in the election. The lists shall be provided by personal delivery or certified mail. The employer shall obtain receipts verifying delivery.

m) Where the Board orders an election in a unit different from the one petitioned for, the petitioner and intervenors, if any, shall

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have five days to submit a showing of interest in the new unit.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1210.140 Conduct of the Election

- a) The election shall be conducted under the supervision of the Board. Voting shall be by secret ballot. Whenever the Board determines that a mail ballot will better effectuate the purposes of the Act, it shall conduct the election by mail ballot. In all other cases, it shall conduct the election on site.
- b) Ballots shall list all labor organizations that properly petitioned or intervened in the election, the incumbent exclusive representative, and the choice of "No Representation".
- c) Where an election involves a bargaining unit that includes craft employees, and there has been a proper petition for a separate craft unit, craft employees shall be given two ballots: one to vote for or against craft severance and a second to vote on choice of representative, if any. Noncraft employees shall only be given ballots for voting on choice of representative.
- d) Where an election involves a bargaining unit containing professional and nonprofessional employees, all employees shall be given two ballots: one for indicating whether they desire a combined professional/nonprofessional unit and a second for indicating choice of representative, if any.
- e) When the election is conducted on site, the following procedures shall apply:
 - 1) Each party shall be entitled to an equal number of observers as determined by the Board or its agent or as provided for in a Board-approved stipulation. Observers for the employer may not be individuals who supervise any of the employees in the bargaining unit. The conduct of observers is subject to such reasonable limitations as the Board or its agent may prescribe.
 - 2) The Board's agent shall prescribe the area in proximity to the polling place in which electioneering shall be prohibited. Cameras, video equipment, and similar equipment

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shall be prohibited within the actual polling area while employees are voting.

- 3) Ballot boxes shall be examined in the presence of the observers immediately prior to the opening of the polls and shall be sealed at the opening of the polls. The seal shall allow for one opening on the top of the ballot box for voters to insert their ballots.
- 4) The Board's agent or any authorized observer may challenge the eligibility of any voter. The observer must state the reason for the challenge. A voter whose identity has been challenged may establish his identity by showing a driver's license or any other piece of identification acceptable to the Board's agent. A challenged voter shall be permitted to vote in secret. The challenged voter's his ballot shall be placed in a "challenged ballot" envelope. The envelope shall be sealed by the Board's agent and initialed by the observers. The reason for the challenge and the voter's name shall be marked on the envelope and the envelope shall be placed in the ballot box.
- 5) A voter shall mark a cross (X) or check () in the circle or block designating the voter's his choice in the election. The intent of the voter shall be followed in the marking of the ballot. If the ballot is defaced, torn, marked in such a manner that it is not understandable, or identifies the voter, the ballot shall be declared void. If the voter inadvertently spoils a ballot, it may be returned his/his to the Board's agent who shall give the voter another ballot. The spoiled ballot shall be placed in a "spoiled ballot" envelope. The envelope shall be sealed by the Board's agent and initialed by the observers, and the Board's agent shall place the envelope in the ballot box.
- 6) A voter shall fold the his ballot so that no part of its face is exposed and, on leaving the voting booth, shall deposit the ballot in the ballot box. If the election is continued for more than one period, the ballot box shall be sealed by the Board's agent and initialed by the observers until the subsequent opening of the polls and shall remain in the custody of the Board's agent until the counting of the ballots.
- 7) The Board's agent may privately assist any voter who, due to

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physical or other disability, is unable to mark the WIS ballot.

8) Each party shall designate a representative to observe the tallying of the ballots.

9) Upon conclusion of the polling, ballots shall be tallied in accordance with subsection (h). If there was only one polling location, ballots shall be tallied at the polling site. If there was more than one polling location, the Board's agent shall seal the ballot boxes, which shall be initialed by the observers, and bring them to a predetermined central location. When all of the ballot boxes have arrived, they shall be opened by the Board's agent and the ballots shall be commingled for tallying.

f) When the election is to be conducted by mail ballot, the following procedures shall apply:

1) Each eligible voter shall be mailed a packet containing a ballot, ballot envelope, a pre-addressed stamped return envelope, and instructions.

2) The instructions shall advise the voter to mark the WIS ballot without using a self-identifying mark identifying himself, place the ballot in the ballot envelope, seal the ballot envelope and place it in the return envelope, seal the return envelope, both print and sign the return envelope across the seal, and mail it to the Board. The instructions will also advise the voter of the date, set by the Board, by which return envelopes must be postmarked.

3) When the election includes a vote on a combined professional/nonprofessional unit, or a vote on craft severance, the appropriate voters shall be mailed separate ballots and ballot envelopes for unit preference or craft severance, and for choice of representative. These voters shall be instructed to mark the ballots separately, place them in their respective ballot envelopes, and return both ballot envelopes in the return envelope.

4) The parties may designate an equal number of representatives, as set by the Board, to observe the tallying of the ballots. Ballots shall be tallied on a date set by the Board.

5) Ballots shall remain unopened in their return envelopes until

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the date set for tallying. On the date set for tallying, the representatives and the Board's agent shall have an opportunity to challenge any ballots prior to the opening of the return envelopes. Challenged ballots shall be handled in accordance with subsection (e)(4). All ballots that have not been challenged shall be separated from their return envelopes and commingled prior to tallying.

6) The ballots shall be tallied in accordance with Section 1210.140(h) of this Part.

g) The Board's agent shall attempt to resolve ballot challenges before the ballots are counted.

h) In mail and on site elections, ballots will be tallied in the presence of the parties' representatives attending the count as follows:

1) The Board's agent shall segregate the challenged ballots. The challenged ballots shall only be opened and counted if they could be determinative of the outcome of the election.

2) If challenges to ballots have not been resolved, and if the challenges could affect the outcome of the election, the Board will treat the challenges in the same manner as objections to the election.

3) When the election includes a vote on craft severance, the craft employee ballots on craft severance shall be tallied first. If a majority of the craft employees casting valid noncraft ballots choose craft severance, the craft and noncraft ballots on choice of representative, if any, shall be tallied separately. If a majority of the craft employees casting valid ballots do not choose craft severance, the ballots on choice of representative, if any, shall be tallied together.

4) When the election includes a vote on a combined professional/nonprofessional unit, the ballots on unit preference shall be tallied first. Separate tallies shall be made for professional and nonprofessional employees. If a majority of the employees casting valid ballots in each group vote for a combined unit, the ballots on choice of representative, if any, shall be tallied together. If a combined unit fails to receive a majority vote in either or

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both groups, the ballots on choice of representative, if any, shall be tallied separately.

- i) When there are only two choices on the ballot and each receives 50 percent of the vote, the following shall apply:

1) In representation elections, absent valid objections or challenges, the Board shall certify that a majority of the employees have not voted to select the labor organization as their exclusive representative.

2) In decertification elections, absent valid objections or challenges, the Board shall certify that a majority of the employees have not maintained their desire to be represented by the labor organization.

j) Where there are three or more choices on the ballot (two or more labor organizations and "No Representation") and no choice receives a majority of the valid ballots cast, the Board shall conduct a runoff election between the two choices that received the most votes. When there is a tie for first place among more than two choices, the runoff shall be among those choices involved in the tie. When there is a tie for second place, the runoff shall be among the first place choice and those tying for second place. The results of votes taken during the first election on craft severance and/or combined professional/nonprofessional units, if applicable, shall be binding on the runoff election.

k) The Board shall preserve all ballots until such time as any objections to the election have been resolved and the results have been certified.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1210.160 Voluntary Recognition Procedures

a) These voluntary recognition procedures may not be used under the following circumstances:

- 1) whenever a labor organization is recognized in accordance with the Act as the exclusive representative of all or some of the employees in the bargaining unit;
- 2) whenever there has been a valid representation or

decertification election in a bargaining unit containing all or some of the employees within the preceding 12 months;

- 3) whenever the proposed bargaining unit would include both professional and nonprofessional employees;

4) whenever the employer does not believe that the proposed bargaining unit is appropriate; and

- 5) whenever the employer does not believe that the labor organization requesting voluntary recognition represents a majority of the employees in the proposed bargaining unit.

b) When an employer and a labor organization agree to use the voluntary recognition procedures, the employer and labor organization must file a request for voluntary recognition with the Board. The request shall be on a form developed by the Board. The request shall be signed by both parties and shall contain the following:

- 1) the name, address and telephone number of the employer;
- 2) the name, address, telephone number and affiliation, if any, of the labor organization;
- 3) the name, addresses and telephone numbers of the parties' representatives;
- 4) a specific and detailed description of the proposed bargaining unit, including job titles and classifications;
- 5) the number of employees in the proposed bargaining unit and whether the proposed bargaining unit includes professional employees; and
- 6) a statement describing why the employer and the labor organization are satisfied that the labor organization represents the majority of the employees in the proposed ~~an appropriate~~ bargaining unit; and
- 7) a statement describing why the employer and the labor organization are satisfied that the proposed unit is an appropriate bargaining unit within the meaning of Section 9 of the Act.

- c) The request must be supported by objective evidence of the

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majority status of the labor organization. (See Section 1210.80 of this Part.)

1) If authorization cards are offered as evidence, they may be jointly submitted to the Board or may be submitted by the labor organization confidentially to the Board.

2) If authorization cards are offered as evidence, those cards that would not qualify as evidence in support of a representation petition will not be considered sufficient evidence of majority status.

3) If employees signing such authorization cards have also signed cards authorizing other labor organizations to represent them, those cards will not be considered sufficient evidence of majority status.

d) Following the filing of a request for voluntary recognition, the Board shall provide the employer with a Notice of Voluntary Recognition which shall be posted on bulletin boards and other places where notices for employees in the bargaining unit are customarily posted. The Board's Notice shall have the following information:

- 1) statement that, subject to Board certification, the employer intends to recognize the employee organization if no competing claims of representation are filed with the Board;
- 2) the name and address of the employer;
- 3) the name and address and affiliation, if any, of the labor organization;
- 4) a specific and detailed description of the proposed bargaining unit, including job titles and classifications;
- 5) the number of employees in the proposed bargaining unit;
- 6) the date of posting; and
- 7) the signature of the employer's representative.

e) The notice shall remain posted for a period of 20 days. The employer shall take steps reasonably necessary to insure that the notice is not removed or defaced.

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f) During the 20-day posting period, any competing labor organization may file a petition with the Board seeking to represent all or some of the employees in the unit. Prior to, or simultaneously with its filing with the Board, the competing organization shall serve the petition on the employer and the labor organization that was to have been voluntarily recognized. The petition shall be on a form developed by the Board and shall contain:

- 1) the name, address, telephone number and affiliation, if any, of the labor organization;
 - 2) the name, address, telephone number and signature of petitioner's representative;
 - 3) the names of the employer and labor organization that the employer intended to voluntarily recognize, and the names and addresses of the employer and labor organization representatives;
 - 4) a specific and detailed description of the proposed bargaining units, including job titles and classifications to the extent known, proposed by the petitioner and on the voluntary recognition notice and designate any positions included in both units;
 - 5) the date the voluntary recognition notice was posted; and
 - 6) the date the posting period is scheduled to terminate.
- g) A competing labor organization's petition must be supported by a showing of interest of AT LEAST 10 PERCENT OF THE EMPLOYEES IN AN APPROPRIATE BARGAINING UNIT WHICH INCLUDES ALL OR SOME OF THE EMPLOYEES IN THE UNIT that was to have been voluntarily recognized. (Section 9(g) of the Act).
- h) Upon the filing of a competing labor organization's petition and proper showing of interest, the Board shall treat the voluntary recognition proceeding as a representation proceeding. The Board shall proceed in accordance with Section 9(a) of the Act and Sections 1210.80 through 1210.150 of this Part.
- i) If no competing labor organization petitions have been filed with the Board by the termination of the posting period, the employer and the labor organization shall file with the Board a certification of posting. This certification of posting shall be

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on a form developed by the Board. The certification of posting shall contain the following:

- 1) the Board case number assigned to the request for voluntary recognition and date filed;
- 2) the name, address and telephone number of the employer;
- 3) the name, address, telephone number and affiliation, if any, of the labor organization;
- 4) the names, addresses and telephone numbers of the parties' representatives;
- 5) a specific and detailed description of the proposed bargaining unit, including job titles and classifications;
- 6) the number of employees in the proposed bargaining unit;
- 7) the dates, locations and termination date of the posting of the voluntary recognition notice;
- 8) a statement that the notice was not removed or defaced during the posting period;
- 9) a statement that the parties desire certification of the voluntary recognition issue; and
- 10) a statement that no intervening petition was filed.

j) The Board will investigate the employer-labor organization voluntary recognition certification request.

1) If the Board concludes that the labor organization represents a majority of the employees in an appropriate bargaining unit, and that the petition is otherwise consistent with the Act and this Part, the Board shall certify the employee organization as the exclusive representative of the employees.

2) If the Board determines that there is insufficient evidence to support the claim of majority status, that the proposed bargaining unit is not appropriate, or that the petition otherwise contravenes the Act or this Part, the Board shall dismiss the petition without prejudice to the filing of a representation petition by either the employer or the labor organization or the commencement of voluntary recognition

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proceedings in an appropriate unit in which the labor organization has majority status.

- k) If, after the Board directs an election in a representation proceeding, the employer decides to voluntarily recognize the labor organization, the Request for Voluntary Recognition must be filed within 14 days after service of the Board's Direction of Election. Within seven days after receipt of the Request, if the Board determines that there is insufficient evidence to support the claim of majority status, an election shall be scheduled as expeditiously as possible.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1210.170 Petitions for Amendment or Clarification of the Bargaining Unit

- a) An exclusive representative or an employer may file a petition to clarify or amend an existing bargaining unit. The petition shall be served on the other party by the Board. The petition shall be signed and shall contain the following:

- 1) the name, address and telephone number of the employer;
- 2) the name, address and telephone number of petitioner's representative;
- 3) the name, address, telephone number and affiliation, if any, of the exclusive representative;
- 4) a specific and detailed description of the existing bargaining unit including job titles and classifications; and
- 5) the nature of the proposed amendment or clarification and the reasons therefor.

b) Following the filing of a petition to amend or clarify an existing unit, the Board shall provide the employer with a notice which shall be posted on bulletin boards and other places where notices for employees in the bargaining unit are customarily posted. Notice shall remain posted for at least 20 days.

c) The respondent may file an answer to the petition within 20 days following service of the petition.

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d) The Board or its agent shall investigate the petition and, if necessary, set it for hearing.

1) Interested persons desiring to intervene in the hearing shall submit a written request to the administrative law judge hearing/official. The administrative law judge hearing/official shall have discretion to grant or deny intervention. The decision shall be based upon the interests of the intervenor, whether those interests will be adequately protected by existing parties, and the timeliness of the intervenor's request.

2) The administrative law judge hearing/official may schedule a prehearing conference or request prehearing briefs when it appears to the hearing/official that such would expedite the procedure.

3) The administrative law judge hearing/official shall inquire into all matters in dispute and shall obtain a full and complete record. Following the close of the hearing, the administrative law judge hearing/official shall file and serve upon the parties a recommended disposition of the matter.

4) Exemptions

A) Parties may file exceptions to the administrative law judge hearing/official's recommendation and briefs in support of their exceptions no later than 14 days after service of the recommendation. Parties may file responses to exceptions and briefs in support of the responses, no later than 10 days after service of the exceptions. Each party shall serve its exceptions, responses and briefs on the other parties. Parties desiring oral argument before the Board shall request oral argument and provide the reasons for the requests in their exceptions or responses. The Board will grant or deny requests for oral argument depending upon the significance, complexity and novelty of the issues. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions.

B) Each exception

i) shall set forth specifically the questions of procedure, fact, law, or policy to which exceptions are taken;

ii) shall identify that part of the administrative law judge hearing/official's opinion or decision to which objection is made; and

iii) shall state the grounds for the exceptions and shall include the citation of authorities unless set forth in a supporting brief.

C) Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

D) Any brief in support of exceptions shall be confined to the subjects raised in the exceptions and shall contain, in the order indicated, the following:

i) A clear and concise statement of the case containing all that is material to the consideration of the questions presented.

ii) A specification of the questions involved and to be argued.

iii) The argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question.

E) Briefs in support of responses to exceptions shall be limited to the questions raised in the exceptions and in the brief in support thereof. It shall present clearly the points of fact and law relied upon in support of the position taken on each question.

5) The Board will review the administrative law judge hearing/official's recommendation upon request of a party or on its own motion. The Board may adopt all, part, or none of the recommendation.

e)

The parties may stipulate to an amendment or clarification of the bargaining unit. The stipulation shall be filed with the Board. A notice of the stipulation shall be posted on bulletin boards and at other places where notices for employees in the bargaining unit are customarily posted. The notice shall advise employees of the terms of the stipulation and direct persons objecting to the

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stipulation to file objections with the Board. The notice shall remain posted for at least 20 days. The employer shall take reasonable steps to insure that the notice is not removed or defaced during the posting period.

f) During any posting period under this Section, interested parties may file objections with the Board. Objections shall be served on the employer and the exclusive representative prior to, or simultaneously with, their filing with the Board. If objections are not timely filed and/or properly served, the objections shall be deemed waived.

g) Following the posting period, if no objections have been filed, the Board shall approve or disapprove the amendment or clarification depending upon whether the amendment or clarification is consistent with the Act. If objections have been filed, the Board shall proceed in accordance with Section 1210.170(d) of this Part.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1210.180 Petitions to Amend Certification

a) An exclusive representative shall file a petition with the Board to amend its certification whenever there is a change in its name or structure. An employer or exclusive representative shall file a petition to amend a unit certification whenever there is a change in the structure of the unit's employing entity. The petition shall be served by the Board on ~~the~~ any employer or exclusive representative, who is not the petitioner. The petition shall be signed, under penalty of perjury, and shall contain:

- 1) the name, address and telephone number of the employer;
- 2) the name, address, telephone number and affiliation, if any, of the exclusive representative, as certified by the Board;
- 3) the name, address and telephone number of petitioner's representative;
- 4) a description of the proposed amendment; and
- 5) the reasons for the proposed amendment.

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b) The employer shall post a notice of the proposed amendment in accordance with Section 1210.170(b) of this Part.

c) Interested persons, including the employer, may file objections to the proposed amendment with the Board during the posting period. Objections shall be served on the ~~exclusive representative~~ petitioner prior to, or simultaneously with, filing with the Board.

d) If, at the conclusion of the posting period, no objections have been filed, the Board may approve or disapprove the amendment or take any other action on it necessary to effectuate the purposes and policies of the Act.

e) If objections have been filed during the posting period, the Board shall proceed in accordance with Section 1210.170(d) of this Part.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

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1) Heading of the Part: Unfair Labor Practice Proceedings

2) Code Citation: 80 Ill. Adm. Code 1220

3) Section Numbers: Adopted Action:

1220.10
1220.30
1220.40
1220.50
1220.60
1220.70
1220.80
1220.90
1220.100

Amendment
Amendment
Amendment
Amendment
Amendment
New
New
New

4) Statutory Authority:

Illinois Public Labor Relations Act (Ill. Rev. Stat. 1991, ch. 48, pars. 1610, 1611 and 1605(i).) [5 ILCS 315/10, 11 and 5(i) (1992)].

5) A Complete Description of the Subjects and Issues Involved:

Section 1220.30: The proposed amendment to this section more accurately reflects the Boards' current practice associated with the appointment of counsel.

Section 1220.40(b)(4): The purpose of the proposed amendment is to indicate the length of time parties have to file responses to an appeal of the Executive Director's dismissal.

Section 1220.40(c)(3): This proposed amendment expresses the Boards' and courts' current interpretation of Section 1220.40, which is that the filing of a motion does not stay the time for filing an answer.

Section 1220.50: This proposed amendment states the authority of administrative law judges with regard to making motions to amend complaints and the general counsel's authority when an administrative law judge becomes unavailable to the Boards.

Section 1220.80: This proposed rulemaking outlines a compliance procedure for enforcement of the Boards' orders when it has been determined that an unfair labor practice was committed.

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Section 1220.90: The purpose of the proposed amendment is to provide for the standards and practices to be employed by the the Boards or their agents when considering and ruling upon motions for sanctions.

The rest of the amendments to this Part make technical corrections.

6) Will this proposed rule replace an emergency rule currently in effect?

No

7) Does this rulemaking contain an automatic repeal date?

No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference?

No

9) Are there any other proposed amendments pending on this Part?

No

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a state mandate as defined in the State Mandates Act, 30 ILCS 805/1 et seq.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments within 45 days from the date of publication of this Notice to:

Lydia Mills Wendt
Supervisory Counsel
Illinois State Labor Relations Board
320 West Washington Street, Suite 500
Springfield, IL 62701

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: The rule was not

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submitted to the Business Assistance Office of the Department of Commerce and Community Affairs.

- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendments begins on the next page.

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS STATE LABOR RELATIONS BOARD/
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PART 1220
UNFAIR LABOR PRACTICE PROCEEDINGS

Section	
1220.10	General Statement of Purpose
1220.20	Filing of a Charge
1220.30	Appointment of Counsel
1220.40	Charge Processing and Investigation, Complaints and Responses
1220.50	Hearings
1220.60	Consideration by the Board
1220.70	Requests for Preliminary Relief
1220.80	Compliance Procedures
1220.90	Sanctions
1220.100	Unfair Labor Practice Charges Involving Fair Share Fees

TABLE A "Adjusted Income" Standards for Appointment of Counsel in Unfair Labor Practice Cases

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 5(i) of the Illinois Public Labor Relations Act (Ill. Rev. Stat. 1989, ch. 48, pars. 1610, 1611, and 1605(i)) [5 ILCS 315/10, 11, 5(i) (1992)].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 16043, effective August 22, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1898, effective January 25, 1985; amended at 11 Ill. Reg. 6481, effective March 27, 1987; amended at 12 Ill. Reg. 20122, effective November 18, 1988; amended at 14 Ill. Reg. 19959, effective November 30, 1990; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

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Section 1220.10 General Statement of Purpose

The regulations contained in this Part detail the procedures for initiating, processing and resolving charges that an employer or a labor organization has committed, or is committing, of an unfair labor practice in violation of Sections 10(a) and 10(b) of the Illinois Public Labor Relations Act ("Act") (Ill. Rev. Stat. 198991, ch. 48, pars. 1601 et seq.) [5 ILCS 315 (1992)].

(Source: Amended at 17 Ill. Reg. _____, effective _____.)

Section 1220.30 Appointment of Counsel

- a) A charging party may file a request for appointment of counsel simultaneously with or after filing a charge. The request shall be on a form developed by the Board. It shall be accompanied by an affidavit attesting to the charging party's INABILITY TO PAY OR INABILITY TO OTHERWISE PROVIDE FOR ADEQUATE REPRESENTATION. (Section 5(k) of the Act). It shall also be accompanied by affidavits, documents or other evidence supporting the charge.
- b) A charging party shall be deemed unable to pay or provide for adequate representation if the party's His/Her "Adjusted Income" is less than the amount set forth in Table A to this Part for a "Family Unit" of the applicable size, and if this person He/She is not entitled to representation from a labor organization (or such representation would be inappropriate) or under the provisions of a prepaid legal services plan or similar arrangement. As an example, instances when representation by a labor organization would be inappropriate include when an individual files charges against a labor organization.

- c) For purposes of this Section, "Adjusted Income" refers to all gross income available to the charging party for the prior year from wages, pensions, annuities, insurance or public assistance benefits, interest and dividends, and other such sources, including liquid assets such as savings and checking accounts, stocks, bonds and similar investments, less the following deductions for the prior year:

- 1) Child care and court-ordered child support payments;
- 2) That portion of educational and medical expenses which exceeds five percent of total gross income;

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- 3) Unreimbursed expenses of obtaining and maintaining employment; and
 - 4) An amount equivalent to 20 percent of wages earned, to approximate withholding for taxes and social security and the like.
- d) For purposes of this Section, "Family Unit" means the charging party and all other persons related to the charging party by blood, marriage or adoption who reside in the charging party's household and are dependent upon the charging party for at least one half of their support.

- e) If the Board or its designated representative determines that the charging party is unable to pay or is otherwise unable to provide for adequate representation, and that the charge is not CLEARLY WITHOUT MERIT, the charging party Board shall select appoint counsel to represent the charging party in the proceedings from a list of attorneys maintained by the Board.

- f) Counsel selected appointed by the charging party Board to represent the charging party in such a case shall certify to the Board:

- 1) That they are He/Or/She/It licensed to practice law in Illinois under the rules of the Illinois Supreme Court (Ill. Rev. Stat. 198991, ch. 110A, pars. 701 et seq.).
- 2) That they have He/Or/She/It previous experience as the representative of parties in the trial or hearing of contested cases. An attorney without trial experience, including a law student certified to practice under Rule 711 of the Illinois Supreme Court, shall satisfy this requirement if actively supervised and accompanied at hearing by an attorney with previous trial experience, in which case the supervising attorney shall make the certification.
- 3) That they He/Or/She shall accept appointment in return for compensation from the Board at the rate of 50 dollars per hour (30 dollars per hour for the time of law students and paralegals) plus costs, i.e., copying documents, subpoena fees, and subject to a maximum compensation limit of 3500 dollars in any single cause. The maximum limit of 3500 dollars may be increased in a particular case upon application to the Board if the circumstances of the case,

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including the number and complexity of the issues, demand the investment of time and expenses exceeding the limitation.

- 4) That they ~~Me/bv/dme~~ will maintain contemporaneous, careful records of time and expenses devoted to the case and will supply copies or summaries to the Board, together with bills for services rendered, at least monthly for each month in which time or costs are accrued.

- g) Payment for personal services at the hourly rate is due upon completion of the Board proceedings in the cause. Payment of costs up to a total of 500 dollars are payable on a monthly basis for the month in which the costs are incurred. Costs totaling more than 500 dollars are payable at the completion of the proceedings before the Board and may be incurred only with prior approval of the Board e.g., in instances in which issues presented are numerous or call for numerous witnesses.

- h) An attorney appointed by the Board to represent a charging party pursuant to this Section shall not withdraw from such employment without approval of the Board or its administrative law judge ~~Meeting/office~~.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1220.40 Charge Processing and Investigation, Complaints and Responses

- a) Upon receipt of a charge, the Board or its Executive Director shall review the charge to determine whether the charge was filed in accordance with the Act. If the review reveals that the charge was not filed in accordance with the Act, the charge shall be summarily dismissed. Notice of dismissal shall state the reasons therefor, and be served upon the respondent and the charging party. If the charge is dismissed by the Executive Director of the Board, the charging party may appeal the dismissal to the Board. Notice of appeal and all supporting materials shall be filed with the General Counsel no later than 10 days after service of the notice of dismissal.
- b) The Board or its designated representative shall investigate the charge. The investigation may include an investigatory conference with the parties.

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- 1) The charging party shall submit to the Board or its designated representative all evidence relevant to or in support of the charge. Such evidence may include documents and affidavits.
- 2) Upon request by the Board or its designated representative, the respondent may submit a complete account of the facts, a statement of its position in respect to the allegations set forth in the charge and all relevant evidence in support of its position. Such evidence may include documents and affidavits.
- 3) If the investigation reveals that the charge involves AN ISSUE OF LAW OR FACT (Ill. Rev. Stat. 198791, ch. 48, par. 1611(a)) [5 ILCS 315/11(a) (1992)] sufficient to warrant a hearing, the Board or its designated representative shall issue a complaint for hearing. The complaint shall state the issues that warrant a hearing and shall be served on the respondent and the charging party.
- 4) If the investigation reveals that there is not an issue of law or fact sufficient to warrant a hearing, the Board or its Executive Director shall dismiss the charge. Notice of dismissal shall state the reasons therefor, and be served on the respondent and the charging party. If the charge is dismissed by the Executive Director of the Board, the charging party may appeal the dismissal to the Board. Notice of appeal and all supporting materials shall be filed with the General Counsel no later than 10 days after service of the notice of dismissal. Parties may file responses to the appeal and all materials in support of the responses no later than five days after service of the appeal.
- c) Whenever a complaint for hearing is issued, the respondent must file an answer within 15 days after service of the complaint.
- 1) The answer shall include a specific admission, denial or explanation of each allegation or issue of the complaint or, if the respondent is without knowledge thereof, it shall so state and such statement shall operate as a denial. Admissions or denials may be made to all or part of an allegation but shall fairly meet the circumstances of the allegation.
- 2) The answer shall also include a specific, detailed statement of any affirmative defenses including, but not limited to,

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allegations that the violation occurred more than six months before the charge was filed, that the Board lacks jurisdiction over the matter, or that the complaint fails to allege an unfair labor practice.

- 3) Parties who fail to file timely answers shall be deemed to have admitted the material facts alleged in the complaint and to have waived their rights to a hearing. The failure to answer any allegation shall be deemed an admission of that allegation. Filing of a motion will not stay the time for filing an answer.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1220.50 Hearings

- a) Upon the issuance of a complaint for hearing, the Board shall set the matter for hearing before an administrative law judge hearing officer. The hearing shall be set NOT LESS THAN FIVE DAYS AFTER SERVING OF SUCH COMPLAINT. (Section 11(a) of the Act).
- b) Interested persons who wish to intervene in the hearing shall direct such requests to the administrative law judge hearing officer. The request shall be in writing and shall state the grounds for intervention. The administrative law judge hearing officer shall have discretion to grant or deny the request for intervention. The decision shall be based upon the interests of the intervenor, whether those interests will be adequately protected by existing parties, and the timeliness of the intervenor's request.
- c) The administrative law judge hearing officer may schedule a prehearing conference when it appears to the hearing officer that such a conference would expedite the procedure.
- d) Intermediate rulings of the administrative law judge hearing officer shall not be subject to interlocutory appeal. Parties may raise objections to such intermediate rulings in their exceptions to the administrative law judge hearing officer's recommended decision.
- e) The charging party shall present the case in support of the charge. The respondent may present evidence in defense against the charges.

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- f) The administrative law judge, on the judge's own motion or on the motion of a party, may amend a complaint before the hearing concludes to conform to the evidence presented in the hearing.
- g) The administrative law judge hearing officer shall inquire fully into all matters in dispute, and shall obtain a full and complete record either by evidentiary hearing and/or stipulation. After the close of the hearing, the administrative law judge hearing officer shall file and serve on the parties a recommended decision.
- h) In the event the administrative law judge designated to conduct the hearing becomes unavailable to the Board after the hearing has been opened, for reasons including but not limited to death or resignation, the general counsel or the general counsel's agent may designate another administrative law judge for the purpose of further hearing or the appropriate action.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1220.60 Consideration by the Board

- a) 1) No later than 30 days after service of the recommended decision and order, parties may file exceptions to the administrative law judge hearing officer's recommendation and briefs in support of those exceptions. A party not filing timely exceptions waives its right to object to the administrative law judge hearing officer's recommended decision and order. Unless overturned by the Board, the parties shall comply with the recommended decision and order. Parties may file responses to exceptions and briefs in support of the responses no later than 15 days after service of the exceptions. Each party shall serve its exceptions, responses, and briefs on the other parties. Parties desiring oral argument before the Board shall request oral argument and state the reasons for the requests in their exceptions and responses.

1) 2) A) Each exception

A) 1) shall set forth specifically the questions of procedure, fact, law, or policy to which exceptions are taken;

B) 1) shall identify that part of the administrative law

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judge hearing/officer's opinion or decision to which objection is made; and

c) iii shall state the grounds for the exceptions and shall include the citation of authorities unless set forth in a supporting brief. Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived.

2) B Any exception which fails to comply with the foregoing requirements may be disregarded.

3) Any brief in support of exceptions shall be confined to the subjects raised in the exceptions and shall contain, in the order indicated, the following:

A) A clear and concise statement of the case containing all that is material to the consideration of the questions presented.

B) A specification of the questions involved and to be argued.

C) The argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question.

4) Briefs in support of responses to exceptions shall be limited to the questions raised in the exceptions and in the brief in support thereof. It shall present clearly the points of fact and law relied upon in support of the position taken on each question.

b) The Board will review the administrative law judge hearing officer's recommended decision and order upon timely filing of exceptions request/by/a/party or at any time on its own motion. The Board may adopt all, part or none of the recommendation depending on the extent to which it is consistent with the record and applicable law. The Board shall issue and serve on all parties its decision and order. The Board will retain jurisdiction over the case to ensure the parties' compliance with the Board order.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

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Section 1220.70 Requests for Preliminary Relief

The charging party may request the Board to seek preliminary relief pursuant to Section 11(h) of the Act. The charging party shall have the burden of demonstrating to the General Counsel Board that if preliminary relief is not sought it will suffer irreparable harm and that the remedies available from the Board will be inadequate. Any request to seek such preliminary relief shall be in writing and accompanied by affidavits, documents or other evidence supporting the request. All requests shall be filed with the General Counsel and shall be served on the other party simultaneously with their filing with the Board.

(Source: Amended at 17 Ill. Reg. _____,
effective _____)

Section 1220.80 Compliance Procedures

a) Whenever it is determined that an unfair labor practice has been committed, a copy of the Board's decision and order, or a copy of the administrative law judge's recommended decision and order in cases where the Board has declined to review such recommended decision and order, shall be sent to the compliance officer who shall be responsible for monitoring the respondent's compliance therewith.

b) Parties may request that the Board seek enforcement of the Board's order pursuant to Section 11(f) of the Act. Such requests shall be in the form of a petition for enforcement filed with the Board and served upon the other parties. The petition shall set forth specifically the manner in which the respondent has failed to voluntarily comply with the Board's order, or administrative law judge's recommended order in cases where the Board has declined to review such order.

c) The compliance officer shall investigate the information in the petition and shall issue and serve upon the parties, no later than 30 days after the filing of the petition, an order dismissing the petition, directing specifically the actions to be taken by the respondent or setting the matter for hearing before an administrative law judge.

d) No later than seven days after service of the compliance officer's order dismissing the petition or directing action by the respondent, the parties may file objections to the compliance order. The objections shall:

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- 1) set forth specifically the finding, order or omission to which the objection is taken; and
- 2) set forth specifically the grounds for the objection, and be accompanied by any available supporting documentation and requests for subpoenas.
- e) Any objection to a finding, order or omission not specifically urged shall be deemed waived. In the event that objections are filed by any party the Board shall set the matter for hearing before an administrative law judge.
- f) The administrative law judge shall, with or without an evidentiary hearing, inquire fully into all issues raised by the objections and shall issue and serve upon the parties a recommended compliance decision and order.
- 1) No later than 10 days after service of the recommended compliance decision and order, the parties may file, and serve upon the other parties, exceptions to the recommendation and briefs in support of those exceptions. Parties may file, and serve upon the other parties, responses to the exceptions and briefs in support of the responses no later than 10 days after service of the exceptions. Such exceptions, responses and briefs shall comply with and be governed by paragraphs (a)(1), (2) and (3) of Section 1220.60 of this part.
- 2) The Board will review the administrative law judge's recommended decision and order upon timely request by a party or at any time on its own motion. The Board may adopt all, part or none of the recommendation depending on the extent to which it is consistent with the record and applicable law. The Board shall issue and serve on all parties its decision and order.
- g) All proceedings under this section shall be suspended during the pendency of any appeal from the Board's decision finding a violation of the Act.

(Source: Former 1220.80 renumbered to 1220.100 new language added at 17 Ill. Reg. _____, effective _____)

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Section 1220.90 Sanctions

- a) THE BOARD'S ORDER MAY IN ITS DISCRETION...INCLUDE AN APPROPRIATE SANCTION, BASED ON THE BOARD'S RULES AND REGULATIONS, IF THE OTHER PARTY HAS MADE ALLEGATIONS OR DENIALS WITHOUT REASONABLE CAUSE AND FOUND TO BE UNTRUE OR HAS ENGAGED IN FRIVOLOUS LITIGATION FOR THE PURPOSE OF DELAY OR NEEDLESS INCREASE IN THE COST OF LITIGATION. THE STATE OF ILLINOIS OR ANY AGENCY THEREOF SHALL BE SUBJECT TO THESE PROVISIONS IN THE SAME MANNER AS ANY OTHER PARTY (Section 11 of the Act).
- b) The Board may award sanctions for such written or recorded ALLEGATIONS OR DENIALS including statements recorded during the course of Board proceedings.
- c) THE SANCTION MAY INCLUDE an admonition or reprimand; striking an offending ALLEGATION OR DENIAL; AN ORDER TO PAY THE OTHER PARTY OR PARTIES' REASONABLE EXPENSES INCLUDING COSTS AND REASONABLE ATTORNEY'S FEES (Section 11 of the Act) or an appropriate portion thereof; and/or any other APPROPRIATE SANCTION. Sanctions are to be awarded only against a party or parties to the proceeding.
- d) Any party to an unfair labor practice proceeding may move for sanctions. The motion for sanctions must be a succinct statement identifying the ALLEGATIONS and/OR DENIALS and/or incidents of FRIVOLOUS LITIGATION alleged to be subject to sanctions, with citations to the record, and succinct arguments. The party subject to the motion for sanctions shall have 14 days after service of the motion to respond or withdraw the paper or position that is the basis of the motion. Neither the motion for sanctions nor the response may be used as an additional brief on the merits of the underlying case.
- 1) Motions for sanctions may be filed with the Executive Director while an unfair labor practice charge is pending before the Executive Director. Such motions shall be filed no later than seven days after receipt of the Executive Director's notice that investigation of the unfair labor practice charge has been completed, or that a party has withdrawn the unfair labor practice charge. Sanctions before the Executive Director may only be sought for instances of frivolous litigation.
- 2) Once an unfair labor practice complaint has been issued, motions for sanctions may be filed with the administrative law judge. Such motions shall be filed no later than seven

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days after receipt of the last post-hearing brief scheduled to be filed, or no later than seven days after the close of the hearing, if no briefs are to be filed. Sanctions before the administrative law judge may be sought for both allegations or denials made without reasonable cause and found to be untrue and/or instances of frivolous litigation.

3) Once the administrative law judge has issued a recommended decision and order, or the Executive Director has issued a recommended decision and order dismissing an unfair labor practice charge, the recommended decision and order is pending before the Board. Such motions shall be filed no later than seven days after receipt of the last brief scheduled to be filed with the Board, or no later than seven days after oral argument before the Board, if such argument occurs after all briefing is completed. Sanctions before the Board may be sought for both allegations or denials made without reasonable cause and found to be untrue and/or instances of frivolous litigation.

e) A party may request sanctions from the Board for an ALLEGATION OR DENIAL MADE WITHOUT REASONABLE CAUSE AND FOUND TO BE UNTRUE even though it did not move for sanctions on that ALLEGATION OR DENIAL before the administrative law judge, and even though the administrative law judge did not recommend sanctions on such ALLEGATION OR DENIAL.

f) A party may not request sanctions from the Board for alleged FRIVOLOUS LITIGATION FOR THE PURPOSE OF DELAY OR NEEDLESS INCREASE IN THE COST OF LITIGATION before the Executive Director or administrative law judge, unless it requested sanctions from the Executive Director or administrative law judge as to such alleged incident of FRIVOLOUS LITIGATION, or unless the Executive Director or administrative law judge recommended sanctions as to such alleged incident of FRIVOLOUS LITIGATION.

g) Except as provided in paragraph (h) below, an order for sanctions shall be included in the Executive Director's recommended decision and order, the administrative law judge's recommended decision and order, or the Board opinion and order.

h) If neither party has moved for sanctions, the Executive Director, administrative law judge, or Board may sua sponte issue an order to show cause why this rule has not been violated. The party or parties to whom the order to show cause is directed shall have 14

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days from the service of that order to file a response. The order to show cause shall recite the conduct or circumstances at issue.

i) An order leveling sanctions shall recite the conduct or circumstances for which sanctions are sought, and explain the basis for the sanction imposed.

(Source: Added at 17 Ill. Reg. _____, effective _____.)

Section 1220.100 Unfair Labor Practice Charges Involving Fair Share Fees

a) Unfair labor practice charges that proportionate share fees violate the Act shall be filed and processed in accordance with this Part.

b) The Board shall consolidate charges involving proportionate share fees in accordance with 80 Ill. Adm. Code 1200.105. Specifically, the Board shall consolidate in a single proceeding all proportionate share fee charges involving the same bargaining unit. The Board shall consolidate charges involving two or more bargaining units whenever it determines that the exclusive representatives are affiliated with a common employee organization, the exclusive representatives use similar methods for determining fair share fees, the consolidation would not prejudice the constitutional and statutory rights of the objecting employees, and the consolidation would resolve the charge in an efficient manner.

c) In hearings on fair share fee charges, the exclusive representative shall have the burden of proving how the fair share fee was calculated and that the fee did not exceed the employee's proportionate share of THE COSTS OF THE COLLECTIVE BARGAINING PROCESS, CONTRACT ADMINISTRATION AND PURSUING MATTERS AFFECTING WAGES, HOURS AND CONDITIONS OF EMPLOYMENT. (Sections 3(g) and (e) of the Act).

(Source: Former Section 1220.80 renumbered to 1220.100 and added at 17 Ill. Reg. _____, effective _____.)

DEPARTMENT OF MINES AND MINERALS

NOTICE OF PROPOSED AMENDMENT(S)

1) The Heading of the Part: The Illinois Oil and Gas Act

2) Code Citation: 62 Ill. Adm. Code 240

3) Section Number: Proposed Action:

240.1200	New
240.1205	New
240.1210	New
240.1220	New
240.1230	New
240.1240	New
240.1250	New
240.1260	New
240.1270	New
240.1280	New

4) Statutory Authority: Implemented and authorized by Section 9 of the Illinois Oil and Gas Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5415) (225 ILCS 725/9)

5) A complete description of the subjects and issues involved:

The Department of Mines and Minerals is proposing regulations to implement its authority to regulate the drilling, operating and plugging of wells and drill holes other than oil or gas production wells and Class II UIC wells. The proposed regulations specify the requirements for an application for permit to drill, deepen, operate or convert such wells, the standards for issuance of such permits, and the requirements for plugging such wells when their permitted use has ended.

6) Will this proposed rule replace an emergency rule currently in effect?

Yes, 17 Ill. Reg. 1195 (January 29, 1993)

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part?

Section Number	Proposed Action	Illinois Register Citation
240.800	New	16 Ill. Reg. 19440
240.805	Repealed, New	16 Ill. Reg. 19440
240.810	Repealed, New	16 Ill. Reg. 19440
240.840	Repealed, New	16 Ill. Reg. 19440
240.845	Repealed, New	16 Ill. Reg. 19440
240.846	Repealed, New	16 Ill. Reg. 19440
240.847	Repealed, New	16 Ill. Reg. 19440
240.848	Repealed, New	16 Ill. Reg. 19440

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240.870	Repealed, New	16 Ill. Reg. 19440
240.880	Repealed, New	16 Ill. Reg. 19440
240.890	Repealed, New	16 Ill. Reg. 19440
240.895	New	16 Ill. Reg. 19440
240.905	New	16 Ill. Reg. 19440
240.910	Repealed, New	16 Ill. Reg. 19440
240.920	Repealed, New	16 Ill. Reg. 19440
240.925	New	16 Ill. Reg. 19440
240.930	Repealed, New	16 Ill. Reg. 19440
240.940	Repealed, New	16 Ill. Reg. 19440
240.950	Repealed, New	16 Ill. Reg. 19440
240.960	Repealed	16 Ill. Reg. 19440
240.970	Repealed	16 Ill. Reg. 19440
240.980	Repealed	16 Ill. Reg. 19440
240.985	Repealed	16 Ill. Reg. 19440
249.990	Repealed	16 Ill. Reg. 19440
240.1181	New	16 Ill. Reg. 19440
240.1400	Amended	16 Ill. Reg. 19440
240.1410	Amended	16 Ill. Reg. 19440
240.1420	Amended	16 Ill. Reg. 19440
240.1430	Amended	16 Ill. Reg. 19440
240.1450	Amended	16 Ill. Reg. 19440
240.1460	Amended	16 Ill. Reg. 19440

10) Statement of Statewide Policy Objectives: The proposed rules will have no impact on local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments may be submitted within 45 days of the publication of this notice to:

John Henriksen
General Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any document relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on May 3, 1993. Comments received thereafter will not be considered in this rulemaking.

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The Department will hold a public hearing on the proposed rulemaking on April 14, 1993 at 1:30 p.m. at the Illinois Department of Mines and Minerals, 300 West Jefferson, Suite 300, Springfield, Illinois. Representatives of small businesses are encouraged to comment above the impact of the proposed rulemaking at this public hearing.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: All well operators employing less than fifty people and having less than four million dollars in annual sales.
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING
CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

PART 240
THE ILLINOIS OIL AND GAS ACT

SUBPART A: GENERAL PROVISIONS

Section	
240.10	Definitions
240.20	Prevention of Waste (Repealed)
240.30	Jurisdiction (Repealed)
240.40	Enforcement of Act (Repealed)
240.50	Delegation of Authority (Repealed)
240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
240.120	Forms (Repealed)
240.130	Hearings--Notices
240.131	Unitization Hearings
240.132	Integration Hearings
240.133	Drilling Unit Hearings
240.140	Violations Not Requiring Formal Action
240.150	Notice of Violation
240.160	Director's Decision
240.170	Cessation Order
240.180	Enforcement Hearings
240.190	Temporary Relief
240.195	Subpoenas

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section	
240.200	Applicability
240.210	Application for Permit to Drill, Deepen or Convert to a Production Well
240.220	Contents of Application
240.230	Authority of Person Signing Application
240.240	Additional Requirements for Directional Drilling
240.250	Issuance of Permit
240.255	Underground Injection and Disposal Projects (Recodified)
240.260	Change of Well Location
240.260	Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
240.270	Duration of Underground Injection Well Orders (Repealed)
240.280	

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SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section	240.300	Applicability
	240.305	Transfer of Management (Recodified)
	240.310	Application for Permit to Drill, Deepen or Convert to a Class II UIC Well
	240.320	Contents of Application
	240.330	Authority of Person Signing Application
	240.340	Proposed Well Construction and Operating Parameters
	240.350	Groundwater and Potable Water Supply Information
	240.360	Area of Review
	240.370	Public Notice
	240.380	Issuance of Permit
	240.390	Permit Amendments
	240.395	Update of Class II UIC Well Permits Issued Prior to July 1, 1987
		SUBPART D: SPACING OF WELLS
Section	240.410	Drilling Units
	240.420	Well Location Exceptions within Drilling Unit
	240.430	Drilling Unit Exceptions
	240.440	More Than One Well on a Drilling Unit
	240.450	Directional Drilling
	240.460	Special Drilling Units Based Upon Reservoir Characteristics

SUBPART D: SPACING OF WELLS

SUBPART E: DRILLING AND CASING PROCEDURES

Section	
240.510	Rotary Drilling Procedure (Repealed)
240.520	Cable Tool Drilling Rules (Repealed)
240.530	Slush and Mud Pits
SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING REQUIREMENTS FOR PRODUCTION WELLS OPERATING REQUIREMENTS	

SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING REQUIREMENTS FOR PRODUCTION WELLS OPERATING REQUIREMENTS

Section		
240.600	Applicability	
240.610	Construction Requirements for Production Wells	
240.620	Remedial Cementing of Leaking Wells	
240.630	Operating Requirements	
240.640	Reporting Requirements	
240.650	Confidentiality of Well Data	
240.655	Mechanical Integrity Testing for Class II Injection Wells (Repealed)	

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240.660	Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells (Repealed)
240.670	Avoidable Waste of Gas (Repealed)
240.680	Escape of Unburned Gas Prohibited (Repealed)

SUBPART G: WELL CONSTRUCTION, OPERATING AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

Section	240.700	Applicability
240.710	Surface and Production Casing	Requirements for Newly Drilled Class II UIC Wells Drilled After the Effective Date of this Section
240.720	Surface and Production Casing	Requirements for Conversion to Class II UIC Wells
240.730	Surface and Production Casing	Requirements for Existing Class II UIC Wells
240.740	Other Construction Requirements	for Class II UIC Wells
240.750	Operating Requirements	for Class II UIC Wells
240.760	Internal Mechanical Integrity Testing	for Class II UIC Wells
240.770	External Mechanical Integrity Testing	for Class II UIC Wells
240.780	Reporting Requirements	for Class II UIC Wells
240.790	Confidentiality of Well Data	

SUBPART H: GENERAL LEASE OPERATING REQUIREMENTS AND AVOIDANCE OF SURFACE POLLUTION

Section	
240.805	
240.810	
240.820	
240.830	
240.840	
240.850	
240.860	
240.870	
240.880	
240.890	

SUBPART I: OIL FIELD BRINE HAULING

Section	
240.905	Introduction (Recodified)
240.910	Authority, Policy and Purpose
240.920	Definitions
240.930	Oil Field Brine Hauler's Permit:
240.940	Applications for Brine Hauling Permit shall include the Following:
240.950	Applications for Oil Field Brine Hauling Permits--Signatures and

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240.900 Authorization
240.910 Oil Field Brine Hauling Permit Conditions
240.920 Inspection of Vehicles
240.980 Transfer of Permits
240.985 Revocation of Oil Field Brine Hauling Permit
240.990 Records and Reporting Requirements
240.995 Bonds--Blanket Surety Bond (Repealed)

240.1250 Surety-May-Cancel-Bond (Recodified) When Wells Shall Be Plugged and
Department Notification
240.1260 Mining-Board-May-Cancel-Bond (Recodified) Plugging and Restoration
Requirements
240.1270 Casing-Puller's-Bond-(Recodified) Confidentiality
240.1280 Converting to Water Well

SUBPART J: VACUUM

SUBPART M: PROTECTION OF WORKABLE COAL BEDS

Section
240.1005 Requirements for Use of Vacuum Pumps
240.1010 Application for Use of Vacuum
240.1020 Notice and Hearing on Application
240.1030 Mining Board Authority

Section
240.1300 Introduction
240.1305 Permit Requirements in Mine Areas
240.1310 Workable Coal Beds Defined
240.1320 Mining Board may Determine Presence of Coal Seams
240.1330 Well Locations Prohibited
240.1340 Notice to Mining Board
240.1350 Casing and Protective Work
240.1360 Operational Requirements Over Active Mine
240.1370 Inspection of Vehicles (Recodified)
240.1380 Transfer of Permits (Recodified)
240.1385 Revocation of Oil Field Brine Hauling Permit (Recodified)
240.1390 Records and Reporting Requirements (Recodified)
240.1395 Bonds--Blanket Surety Bond (Recodified)

SUBPART K: PLUGGING OF WELLS

Section
240.1105 Plugging of Non-Productive Wells (Repealed)
240.1110 Definitions
240.1120 Plugging of Uncased Wells
240.1130 Plugging or Temporary Abandonment of Abandoned or Inactive Wells
240.1140 General Plugging Procedures and Requirements
240.1150 Specific Plugging Procedures
240.1151 Procedures for Plugging Coal Seams
240.1160 Converting to Water Well (Repealed)
240.1170 Well Site Restoration
240.1180 Lease Restoration
240.1190 Filing Plugging Affidavit

SUBPART L: OTHER WELLS REQUIREMENTS FOR

SUBPART N: TRANSFER OF OWNERSHIP

OTHER TYPES OF WELLS

Section
240.1200 Application-for-Permit-for-Geological-or-Structural-Test-Hole
240.1205 Applicability
240.1205 Transfer-of-Management-(Recodified) Application for Permit to Drill
or Convert to Other Types of Wells or Drill Holes
240.1210 When-Bonds-Required--Amount-(Recodified) Contents of Application for
Permit to Drill or Convert to an Observation, Gas Storage Well or
Service Well
240.1220 Kind-of--Bond--Execution-(Recodified) Contents of Application for
Coal Test Hole, Mineral Test Hole, Structure Test Hole, or Coal or
Mineral Groundwater Monitoring Well
240.1230 Bond---of--Manager---(Recodified) Authority of Person Signing
Application
240.1240 Bond-Form--Approval-(Recodified) Issuance of Permit

Section
240.1400 Definitions
240.1405 Transfer of Management (Repealed)
240.1410 Applicability
240.1420 When Notification to be Made
240.1430 Responsibilities of Current Permittee
240.1440 Responsibilities of New Permittee
240.1450 Authority of Persons Signing Notification
240.1460 Other Conditions for and Effect of Transfer
240.1470 Casing Puller's Bond (Repealed)

SUBPART O: BONDS

Section
240.1500 When Required and Amount
240.1510 Definitions
240.1520 Bond Requirements
240.1530 Forfeiture of Bonds

AUTHORITY: Implementing and authorized by Sections 6 and 8a of "The Illinois Oil and Gas Act" (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 5409 and 5413).

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SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991 for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective September 29, 1992; emergency amendment at 17 Ill. Reg. 1195, effective January 12, 1993 for a maximum of 150 days; amended at 111. Reg. _____, effective _____.

(NOTE: Capitalization denotes statutory language.)

SUBPART L: OTHER WELLS REQUIREMENTS FOR
OTHER TYPES OF WELLS

Section 240.1200 Application for Permit for Geological or Structural Test-Hole
EMERGENCY Applicability

a) As provided by the Act, the Department shall require any person desiring or proposing to drill geological or structural test-holes in connection with any operation for the exploration or production of oil or gas, coal or other mineral test-holes, water supply wells in connection with secondary or enhanced recovery operations, and monitoring, observation or storage wells in connection with any activity regulated by the Department to secure a permit therefor. In addition to complying with all provisions enumerated herein, the applicant shall give bond for all test-holes and wells in such amounts as further required by the Act, and shall also indicate the type of drilling tools to be used and the lowest proposed depth and geological formations to be tested. The permit fees required for these types of test-holes or wells are as follows:

1) geological or structural test-holes in connection with any operation for the exploration or production of oil and gas or coal or other mineral test-holes: \$100.00 per Section or part thereof as delineated by the United States Public Land Survey, not to exceed \$5,000 for any permittee in any calendar year.

2) water supply wells in connection with secondary and enhanced recovery operations: \$100.00.

3) monitoring, observation or storage wells in connection with any

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oil and gas production or storage activity: \$100.00.

4) monitoring wells in connection with any coal mining or other mineral extraction operation regulated by the Department and not covered by a bond filed with the Department's land reclamation division: \$100.00 per Section or part thereof as delineated by the United States Public Land Survey, not to exceed \$5,000 for any permittee in any calendar year.

b) Mine or quarry drill or blast holes or seismograph test-holes are exempt from the provision of the Act.

The provisions of this subpart apply to wells and drill holes other than oil or gas production wells and Class II UIC wells covered by Subparts B and C. This subpart applies to the following types of wells or drill holes:

a) Gas Storage Well: a well drilled for input and/or withdrawal of natural gas in a natural gas storage project.

b) Observation Well: a well drilled to monitor subsurface conditions in oil and gas projects or gas storage projects.

c) Coal or Mineral Groundwater Monitoring Well: a well drilled to monitor groundwater conditions in coal or mineral mining projects. A permit under this subpart is not required in areas covered by a permit issued by the Department under the Surface-Mined Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 4501) (225 ILCS 715/1) and the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 7901.01) (225 ILCS 720/1.01).

d) Structure Test Hole: a hole drilled to evaluate the geologic nature of underlying strata for use in an oil and gas, gas storage or mining project. A permit under this subpart is not required for holes which do not penetrate bedrock or for seismograph test-holes or for holes located in areas covered by a permit issued by the Department under the Surface-Mined Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 4501) (225 ILCS 715/1) and the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 7901.01) (225 ILCS 720/1.01).

e) Coal Test Hole: a hole drilled to test for the presence, quality or quantity of coal. A permit is not required for test holes which do not require a permit.

f) Mineral Test Hole: a hole drilled to test for the presence, quality or quantity of mineral test-holes. A permit is not required for test holes which do not require a permit.

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quarried, excluding unconsolidated sand and gravel. Mineral test holes which do not penetrate bedrock do not require a permit under this subpart. Quarry drill holes drilled on property owned by and contiguous to any established quarry do not require a permit.

- g) Service Well: a well drilled to perform a service or function in relation to oil and gas production or a gas storage project or mining activity coming within this subpart but not covered by sections (a) through (f) of this section. A permit is not required under this subpart in areas covered by a permit issued by the Department under the Surface-Mined Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 4501) (225 ILCS 715/1) and the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 7901.01) (225 ILCS 720/1.01).

(Source: Section repealed, new Section added at _____ Ill. Reg. _____, effective _____)

Section 240.1205 ~~Transfer-of-Management-(Recodified)~~ Application for Permit to Drill or Convert to Other Types of Wells or Drill Holes

- a) No person shall drill or convert a well or drill a test hole covered by this subpart without a permit from the Department.

- b) Application for a permit to drill or convert an observation, gas storage or service well shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the non-refundable fee of \$100.00 and the required bond under Subpart O.

- c) An application for a permit to drill a coal test hole, mineral test hole, structure test hole, or coal or mineral groundwater monitoring well shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the non-refundable fee of \$100.00 per section, or part thereof, as delineated by the United States Public Land Survey, not to exceed \$5000.00 for any permittee in any calendar year. The applicant shall also submit the required bond under subpart O.

(Source: Former Section recodified to Section 240.1405; new Section added at _____ Ill. Reg. _____, effective _____)

Section 240.1210 ~~When--Bonds--Required--Amount--(Recodified)~~ Contents of Application for Permit to Drill or Convert to an Observation, Gas Storage Well or Service Well

The application for a permit shall include:

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- a) The name of the well;
- b) The surveyed location and ground elevation of the well (all well locations shall be surveyed by a registered Illinois Land Surveyor or an Illinois Registered Professional Engineer; a survey is not required for a converted or deepened well or a drilled out plugged hole if the original well location was surveyed.);
- c) A brief statement on the purpose of the well and a schematic showing the proposed construction of the well;
- d) Applicant shall provide the necessary information on a form prescribed by the Department to show applicant has the right to drill and to operate;
- e) A statement as to whether or not such proposed well location is within the limits of any incorporated city, town, or village (and a certified copy of the official consent of the municipal authorities of the well is within the corporate limits);
- f) The name and address of the drilling contractor, and the type of drilling tools or equipment to be used;
- g) A statement whether the well is located over an active mine, temporarily abandoned mine or within the undeveloped limits of a mine, and whether the coal rights are owned by someone other than the lessor under the oil and gas lease;

- h) The proposed depth of the well and the name of the lowest geologic formation to be penetrated.

(Source: Former Section recodified to 240.1410; new Section added at _____ Ill. Reg. _____, effective _____)

Section 240.1220 ~~Kind-of--Bond--Execution-(Recodified)~~ Contents of Application for Coal Test Hole, Mineral Test Hole, Structure Test Hole, or Coal or Mineral Groundwater Monitoring Well

- a) Each application for a coal, mineral or structure test or coal or mineral groundwater monitoring permit shall be for those holes to be drilled in one Section of land, as established by the official United States Public Land Survey, by the applicant.

- b) Each application shall include:

- 1) A map showing the proposed location(s) of the test hole(s); except that in the case of coal and mineral test the application

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need only identify the Section.

- 2) The approximate proposed total depth of the test hole(s).
- 3) The type of drilling tools to be used.
- 4) The geologic name(s) of the coal seam(s) or geologic strata to be tested.

(Source: Former Section recodified to 240.1420; new Section added at Ill. Reg. _____, effective _____)

Section 240.1230 Bond--of-Manager--(Recodified) Authority of Person Signing Application

- a) All applications for permits shall identify whether the owner of the right to drill and to operate the well is an individual, partnership, corporation or other entity, and shall contain the address and signature of the owner or person authorized to sign for such owner.
- b) If the owner is an individual, the application shall be signed by the individual. If the owner is a partnership, the application shall be signed by the general partner. If the owner is a corporation, the application shall be signed by an officer of the corporation.

- c) In lieu of the signature of the owner or such authorized persons, the application may be signed by a person having a power of attorney to sign for such owner or authorized person, provided a certified copy of the power of attorney accompanies the application.

- d) The entity or person to whom the permit is issued shall be called the Permittee and shall be responsible for all regulatory requirements relative to the well or drillhole.

- e) If the applicant is a corporation, the charter must authorize the corporation to engage in the permitted activity, and the corporation must be incorporated or authorized to do business in the State of Illinois.

(Source: Former Section recodified to 240.1430; new Section added at Ill. Reg. _____, effective _____)

Section 240.1240 Bond-Form--Approval--(Recodified) Issuance of Permit

- a) If the applicant satisfies the requirements of the Act and Rules the Department shall issue a permit.
- b) A permit shall not be issued where a final administrative order of

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the Department is outstanding against the applicant or against a person or permittee who is an officer, director, partner or owner of more than a 5% interest of the applicant.

- c) Gas storage, observation, mineral or coal groundwater monitoring well permits, and service well shall expire one (1) year from the date of issuance unless acted upon by commencement of drilling or converting operations authorized by the permit.

- d) Coal, mineral and structure test hole permits expire one (1) year from date of issuance.

- e) Gas storage, observation, mineral or coal groundwater monitoring well permits are not transferable prior to the drilling of the well or test hole.

- f) Coal, mineral and structure test hole permits are not transferable.

(Source: Former Section recodified to 240.1440; new Section added at Ill. Reg. _____, effective _____)

Section 240.1250 Surety-May-Cancel-Bond--(Recodified) When Wells Shall Be Plugged and Department Notification

- a) Gas storage, observation and service wells shall be plugged when no longer used for the purpose for which they were permitted, unless converted in accordance with Section 240.1220. At least 24 hours prior to commencing plugging the permittee shall notify the District office for the county in which the well is located.

- b) Structure, coal and mineral test holes shall be plugged within thirty (30) days after drilling ceases unless converted to a water well in accordance with Section 240.1290. At least 24 hours prior to commencing plugging the permittee shall notify the District office for the county in which the well is located.

- c) Mineral or coal groundwater monitoring wells shall be plugged when no longer used for the purpose for which they were permitted. At least 24 hours prior to commencing plugging the permittee shall notify the District office for the county in which the well is located.

(Source: Former Section recodified to 240.1450; new Section added at Ill. Reg. _____, effective _____)

Section 240.1260 Mining-Board--May--Cancel--Bond--(Recodified) Plugging and Restoration Requirements

- a) Gas Storage and Observation wells shall be plugged in accordance with

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Subpart K.

b) Coal or Mineral Groundwater Monitoring Wells, Structure Test Holes, Coal Test Holes, Mineral Test Holes and Service Wells shall be plugged as follows:

1) If the total depth of the well or hole extends below the base of the freshwater as determined by the Department, the well or hole shall be plugged from total depth to the top of the bedrock with cement.

2) If the total depth of the well or test hole does not extend below the base of the freshwater as determined by the Department, the hole shall be plugged as stated above or may be plugged by circulating bentonite slurry from total depth to surface.

3) When the plugging requirements of this Section would be impractical due to the presence of fractures or other geologic conditions that would prohibit the containment of fluids in the well, the Department may authorize alternative plugging requirements. In determining whether to approve and in selecting alternative plugging requirements, the Department shall consider the total depth of the hole and the depth of the freshwater.

c) At the conclusion of drilling, all drill cuttings shall be buried in drill pits or landspread (with permission of surface owner), and all pits used in drilling shall be filled and restored to support farm machinery, and all drilling debris shall be removed from the site.

(Source: Former Section Recodified to 240.1460; new Section added at Ill. Reg. _____, effective _____)

Section 240.1270 Casing-Plutier's-Bend-(Recodified) Confidentiality

a) The information and records of the Department for any mineral test, structure test, and coal test hole shall, on written request from the permittee, be kept confidential for two years after the date the permit for such hole was issued, provided that the request is made in writing at the time of the filing of the permit application.

b) The reports required to be filed with the Illinois State Geological Survey under Section 6(4) of the Illinois Oil and Gas Act, for any hole or well covered under this subpart shall on request be kept confidential for two years from the date the permit for such hole or well is issued, provided that the request be made in writing at the time of the filing of the permit application.

(Source: Former Section recodified to 240.1470; new Section added at Ill. Reg. _____, effective _____)

Section 240.1280 Converting to Water Well

a) Gas storage, observation, coal or mineral groundwater monitoring and service wells may not be converted to a water well required to have a permit from the Illinois Department of Public Health.

b) Mineral, coal and structure test wells may be converted to water wells required to have a permit from the Illinois Department of Public Health provided the permittee obtains a permit from the Illinois Department of Public Health.

(Source: Added at _____ Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: GENERAL PROVISIONS2) Code Citation: 32 Ill. Adm. Code 3103) Section Number: Proposed Action:

310.10	Amendment
310.20	Amendment
310.80	Amendment
310.81	Amendment
310.82	Amendment
310.100	Amendment
310.130	Repealed
310.140	New Section
310.150	New Section
310.APPENDIX C	Repealed

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, pars. 210-1 et seq., as amended by P.A. 87-1024 and 87-1166) [420 ILCS 40/1 - 40/44, as amended by P.A. 87-1024, effective September 6, 1992 and P.A. 87-1166, effective September 18, 1992].5) A Complete Description of the Subjects and Issues Involved: These proposed amendments will:

- (a) modify the scope section (Section 310.10) to clarify that the provisions of this Part apply to persons licensed under 32 Ill. Adm. Code 332 or accredited under 32 Ill. Adm. Code 401, except to the extent that such persons are subject to regulations by the U.S. Nuclear Regulatory Commission;

- (b) add definitions for the following terms: absorbed dose, accelerator, activity, adult, as low as is reasonably achievable, background radiation, becquerel, bioassay, brachytherapy, collective dose, committed dose equivalent, committed effective dose equivalent, declared pregnant woman, deep dose equivalent, dose equivalent, dose limits, effective dose equivalent, embryo/fetus, entrance or access point, external dose, extremity dose, eye dose equivalent, gray, individual monitoring, individual monitoring devices, internal dose, licensed material, lost or missing source of radiation, member of the public, minor, monitoring, Nuclear Regulatory Commission, package, packaging, protective apron, public dose, quality factor, radiation dose, radiobioassay, shallow dose equivalent, SI, sievert, special form radioactive material, special nuclear material, total effective dose equivalent, total equivalent, total effective and

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unprocessed ore, unrestricted area, uranium fuel cycle, very high radiation area, week, whole body, working level, working level month, and year.

The Department is also proposing to modify the definitions of several terms already defined in this Part. The terms defined in this Part are used in proposed new rule, 32 Ill. Adm. Code 340, which appears elsewhere in this edition of the Illinois Register. The terms are also used in other Department rules codified at 32 Ill. Adm. Code: Chapter II, Subchapters b and d. In most instances, the proposed new definitions are identical to the definitions already adopted in other rules of the Department or definitions used by the U.S. Nuclear Regulatory Commission (see 10 CFR 20).

- (c) modify Sections 310.80, 310.81, and 310.82. The Department's policy and procedures for assessment of civil penalties for violations of the Radiation Protection Act of 1990 and for the dollar violations of rules promulgated pursuant to that Act. These modifications implement P.A. 87-1024, which increased the maximum civil penalty to \$10,000 per violation per day. These modifications also clarify what factors the Department will consider when assessing civil penalties. The Department is proposing to repeal the "civil penalty worksheet" currently codified as Appendix C.

- (d) repeal Section 310.130, "The International System of Units (SI)". The information currently contained in this section will be included in a more general section regarding units of exposure and radiation dose (new Section 310.140).

- (e) add a new Section, "Units of Activity", which describes the unit becquerel and curies.

- (f) add metric units of measurement throughout the rule. Editorial changes are also being made so that the style of this rule is consistent with other Department rules.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain a population by reference?

- 9) Are there any other proposed amendments pending on this Part? No

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- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 60 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 60 day comment period. Comments should be submitted to:

Betsy Salus
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9881 (voice)
(217) 782-6133 (TDD)

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not Applicable
- B) Types of small businesses affected: This rule affects small businesses that receive, possess, use, transfer, own, or require any source of radiation within the State of Illinois, pursuant to authority granted by the Department of Nuclear Safety.
- C) Reporting, bookkeeping or other procedures required for compliance: No reporting, bookkeeping, or other procedures would be required for compliance.
- D) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

The full text of the Proposed Amendment begins on the next page:

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TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 310
GENERAL PROVISIONS

Section	
310.10	Scope
310.20	Definitions
310.30	Exemptions
310.40	Records
310.50	Inspections
310.60	Tests
310.70	Additional Requirements
310.80	Violations
310.81	Policy for Assessment of Civil Penalties
310.82	Procedures for Assessment of Civil Penalties
310.90	Impounding
310.100	Prohibited Uses
310.110	Communications
310.120	Plans and Specifications
310.130	The International System of Units (SI) (Repealed)
310.140	Units of Exposure and Radiation Dose
310.150	Units of Activity
310.APPENDIX A	Transport Grouping of Radionuclides (Repealed)
310.APPENDIX B	Tests for Special Form Licensed Material (Repealed)
310.APPENDIX C	Penalty Assessment Worksheet (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 (111. Rev. Stat. ~~1990-Supp.~~ 1991, ch. 111, pars. 210-1 et. seq., as amended by P.A. 87-1024 and 87-1166) [420 ILCS 40/1 - 40/44, as amended by P.A. 87-1024, effective September 6, 1992 and P.A. 87-1166, effective September 18, 1992].

SOURCE: Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 111. Reg. 15657; amended at 10 111. Reg. 17259, effective September 25, 1986; amended at 15 111. Reg. 10604, effective July 15, 1991; amended at 111. Reg. _____, effective _____.

Section 310.10 Scope

Except as otherwise specifically provided, this Part applies to all persons who receive, possess, use, transfer, own, or acquire any source of radiation within the State of Illinois; provided, however, that nothing in 32 111. Adm.

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Code 310, 320, 330, 331, 332, 335, 340, 341, 350, 351, 400, 401 and 601 shall apply to any person to the extent such person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC).

AGENCY NOTE: Attention is directed to the fact that regulation by the State of source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of an agreement between the State and the NRC and to 10 CFR 150 of the Commission's regulations.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 310.20 Definitions

As used in 32 Ill. Adm. Code 310, 320, 330, 331, 332, 335, 340, 341, 350, 351, 400, 401, 601 and 606, these terms have the definitions set forth below. Additional definitions used only in a certain Part will be found in that Part.

"Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

"Accelerator" (particle accelerator) means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 million electron volts (MeV).

"Accelerator-produced material" means any material made radioactive by a particle accelerator.

"Act" means the Radiation Protection Act of 1990 (the Act) (Ill. Rev. Stat. ~~1990-Supp.~~ 1991, ch. 111½, par. 210-1 et seq., as amended by P.A. 87-1024 and 87-1166) [420 ILCS 40/1 - 40/44, as amended by P.A. 87-1024, effective September 6, 1992 and P.A. 87-1166, effective September 18, 1992].

"Activity" means the rate of disintegration (transformation) or decay of radioactive material. The units of activity are the becquerel (Bq) and the curie (Ci).

"Adult" means an individual 18 or more years of age.

"Agreement State" means any State state with which the U. S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under subsection 274b of

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the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021(b) et seq.).

"Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors, or gases.

"Airborne radioactivity area" means:

any room, enclosure, or operating area in which airborne radioactive material, composed wholly or partly of licensed material, exists in concentrations:

in excess of the amounts specified in 32 Ill. Adm. Code 340-Appendix A, Table 1, Column 1 derived air concentrations (DAC's) specified in Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions; or

any room, enclosure, or operating area in which airborne radioactive material exists in concentrations which averaged over the number of hours in any week during which individuals are in the area, exceed 25 percent of the amounts specified in 32 Ill. Adm. Code 340-Appendix A, Table 1, Column 1.

to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

AGENCY NOTE: Appendix B to 10 CFR 20.1001 - 20.2401 was published at 56 FR 24409 (May 21, 1991). Corrections were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

"As low as is reasonably achievable" (ALARA) means making every reasonable effort to maintain exposures to radiation as far below the dose limits in 32 Ill. Adm. Code: Chapter 11, Subchapter b and d as is practical consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation

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to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

"Background radiation" means radiation from cosmic sources; naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material) and global fallout as it exists in the environment from the testing of nuclear explosive devices. Background radiation does not include radiation from radioactive materials regulated by the Department.

"Becquerel" (Bq) means the SI unit of activity. One becquerel (Bq) is equal to 1 disintegration (transformation) per second (dps or tps).

"Bioassay" (radiobioassay) means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body.

"Brachytherapy" means a method of radiation therapy in which sealed sources are used to deliver a radiation dose at a distance of less than 6 centimeters, by surface, intracavitary, or interstitial application.

"Byproduct material" means (1) any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material; and (2) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes. (See Section 40/4(a) of the Act.)

"Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant

shall change the method observed by him for determining calendar quarters except at the beginning of a calendar year.

"Calibration" means the determination of:

- the response or reading of an instrument relative to a series of known radiation values over the range of the instrument; or
- the strength of a source of radiation relative to a standard.

"CFR" means Code of Federal Regulations.

"Chelating Agent" means amine polycarboxylic acids (e.g., EDTA, DTPA), hydroxy-carboxylic acids, and polycarboxylic acids (e.g., citric acid, carboxylic acid, and glucinic acid) used for purposes of bonding, i.e., to stabilize radioactive materials.

"Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

"Committed dose equivalent" ($H_{e,50}$) means the dose equivalent to organs or tissues of reference (I) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

"Committed effective dose equivalent" ($H_{e,50}$) means the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($H_{e,50} = \sum w_i H_{i,50}$).

"Curie" means a unit of quantity of radioactivity. One curie (Ci) is that quantity of radioactive material which decays at the rate of 3.7×10^{10} disintegrations (transformations) per second (dps or tps). Commonly used, sub-multiples of the curie are the millicurie and the microcurie. One millicurie (mCi) = 0.001 Curie = 3.7×10^7 tps. One microcurie (uCi) = 0.000001 curie = 3.7×10^4 tps. (See Section 310.130 for SI equivalent becquerel.)

"Declared pregnant woman" means any woman who has voluntarily informed her employer, in writing, of her pregnancy.

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"Deep dose equivalent" (H_d) means the dose equivalent at a tissue depth of 1 centimeter (1000 milligrams per square centimeter) from external whole-body exposure.

"Department" means Illinois Department of Nuclear Safety.

"Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

"Director" means the *Director of the Department of Nuclear Safety*. (See Section 40/4(c) of the Act.)

"Dose" (radiation dose) means either absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent, or total effective dose equivalent as appropriate.

"Absorbed dose" is the energy imparted to matter by ionizing radiation per unit mass of irradiated material at the place of interest. The special unit of absorbed dose is the rad (see "Rad"). (See Section 310.130 for SI equivalent gray.)

"Dose equivalent" is a quantity that expresses on a common scale for all radiation a measure of the postulated effect on a given organ. It is defined as the absorbed dose in rads times certain modifying factors. The unit of dose equivalent is the rem (see "Rem"). (See Section 310.130 for SI equivalent sievert.)

"Dose commitment" means the total radiation dose to a part of the body that will result from retention in the body of radioactive material. For purposes of estimating the dose commitment, it is assumed that from the time of intake the period of exposure to retained material will not exceed 50 years.

"Dose equivalent" (H_t) means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors (e.g., a distribution factor for non-uniform deposition) at the location of interest. The units of dose equivalent are the sievert (Sv) and the rem.

"Dose limits" (limits) means the permissible upper bounds of radiation doses established by, or in accordance with, 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

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"Dosimetry processor" means an individual or an organization that extracts certain information from devices called dosimeters, then performs various mathematical operations on this information to generate a quantity called dose equivalent processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to such devices.

"Effective dose equivalent" (H_e) means the sum of the products of the dose equivalent to each organ or tissue (H_t) and the weighting factor (W_t) applicable to each of the body organs or tissues that are irradiated ($H_e = \sum W_t H_t$).

"Embryo/fetus" means the developing human organism from conception until the time of birth.

"Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

"Exposure" means:

the quotient of dQ divided by dm where " dQ " is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass " dm " are completely stopped in air. (the special unit of exposure is the roentgen (R).) (See Section 310.130 140 for SI equivalent unit coulomb per kilogram (C/kg) and the special unit roentgen (R).); or

irradiation by ionizing radiation or radioactive material.

AGENCY NOTE: The context makes clear which is the appropriate definition.

"Exposure rate" means the exposure per unit of time, such as roentgen per minute (R/min) and milliroentgen per hour (mR/h).

"External dose" means that portion of the dose equivalent received from any source of radiation outside the body.

"Extremity" means a hand, elbow, arm below the elbow, foot, knee, and leg below the knee.

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"Eye dose equivalent" means the external dose equivalent to the lens of the eye at a tissue depth of 0.3 centimeter (300 milligrams per square centimeter).

"Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

"Gray" (Gy) means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram (J/kg) (100 rad).

"Healing Arts" means the art or science or group of arts or sciences dealing with the prevention and cure or alleviation of human ailments, diseases or infirmities, and has the same meaning as "medicine" when the latter term is used in its comprehensive sense.

"High radiation area" means any area, accessible to individuals, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 100 millirems (1 millisievert) radiation levels could result in an individual receiving a dose equivalent in excess of 1 mSv (0.1 rem) in 1 hour at 30 centimeters from any source of radiation or from any surface that the radiation penetrates.

"Human use" means the internal or external administration of radiation or radioactive materials to human beings.

"Individual" means any human being.

"Individual monitoring" means the assessment of:

Dose equivalent by the use of individual monitoring devices or by the use of survey data; or

Committed effective dose equivalent by bioassay or by determination of the time-weighted air concentrations to which an individual has been exposed (i.e., DAC-hours). (For the definition of DAC-hours, see 32 Ill. Adm. Code 340.30.)

"Individual monitoring devices" (personnel dosimeter or dosimeter) means devices designed to be worn by a single individual for the assessment of dose equivalent. Examples of individual monitoring

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devices are film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, and personal air sampling devices.

"Inspection" means an official examination or observation including, but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the Department.

"Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

"Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

"License" means a license issued by the Department in accordance with the regulations adopted by the Department 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Licensed material" means radioactive material received, possessed, used, transferred, or disposed of under a general or specific license issued by the Department.

"Licensee" means any person who is licensed by the Department in accordance with 32 Ill. Adm. Code: Chapter II and the Act, Subchapters b and d.

"Licensing State" means any State which has been provisionally or finally designated as such by the Conference of Radiation Control Program Directors, Inc., which reviews state regulations to establish equivalency with the Suggested State Regulations and ascertains whether a State has an effective program for control of naturally occurring or accelerator-produced radioactive material (NARM). The Conference will designate as Licensing States those States with regulations for control of radiation relating to, and an effective program for, the regulatory control of naturally occurring radioactive material (NARM).

"Lost or missing source of radiation" means any licensed or registered source of radiation whose location is unknown. This definition includes, but is not limited to, radioactive material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

"Major processor" means a person, other than medical programs, universities, industrial ~~radiographers~~ radiography services, or wireline service operations, who is licensed to process, handle, or manufacture radioactive material as unsealed sources in quantities exceeding 32-III-Adm. Code 340-Appendix B the quantities specified in Appendix C to 10 CFR 20.1001 - 20.2401, effective January 1, 1994, exclusive of subsequent amendments or editions, by a factor of at least 10³, or radioactive material as sealed sources in quantities exceeding 32-III-Adm. Code 340-Appendix B the quantities specified in Appendix C to 10 CFR 20.1001 - 20.2401 by a factor of at least 10⁶.

AGENCY NOTE: Appendix C was published at 56 FR 23465 (May 21, 1991). Corrections to this Appendix were published at 56 FR 61352 (December 3, 1991). An amendment was published at 57 FR 57879 (December 8, 1992). A copy of 10 CFR 20 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

"Member of the public" means any individual, except an individual who is performing assigned duties for the licensee or registrant involving exposure to sources of radiation.

"Minor" means an individual less than 18 years of age.

"Monitoring" (radiation monitoring or radiation protection monitoring) means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

"NARM" means any naturally occurring or accelerator-produced radioactive material. It does not include byproduct, source, or special nuclear material.

"Natural radioactivity" means radioactivity of naturally occurring nuclides.

"Nuclear Regulatory Commission" (NRC) means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

"Occupational dose" means the dose received by an individual in a restricted area or in the course of employment in which the individual's assigned duties for the licensee or registrant involve exposure to radiation or to radioactive material from licensed or unlicensed sources of radiation, whether in the

possession of the licensee or other person. Occupational dose does not include dose received from background radiation, as a patient from medical practices, from voluntary participation in medical research programs, or as a member of the general public.

"Operator" ~~is an~~ means any individual, group of individuals, partnership, firm, corporation or association conducting the business or activities carried on within a radiation installation.

"Package" means the packaging, together with its radioactive contents, as presented for transport.

"Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of 32 III. Adm. Code 341. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding, and devices for cooling or absorbing mechanical shocks. The vehicle, tie down system, and auxiliary equipment may be designated as part of the packaging.

"Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 million electron volts (MeV).

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, or any successor thereto. (See Section 40/4(e) of the Act.)

"Personnel monitoring equipment" means devices such as film badges, pocket dosimeters, and thermoluminescent dosimeters designed to be worn or carried by an individual for the purpose of estimating the dose received by the individual (see "Individual monitoring devices").

"Pharmacist" means an individual licensed by the State pursuant to the Pharmacy Practice Act of 1987 (111. Rev. Stat. 1989 1991, ch. 111, par. 4121 et seq.) [225 ILCS 85/1 - 85/39] to compound and dispense drugs, prescriptions, and poisons.

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"Physician" means ~~a person~~ an individual licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 (111. Rev. Stat. 1989 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60/1 - 60/63], The Illinois Dental Practice Act (111. Rev. Stat. 1989 1991, ch. 111, par. 2301 et seq.) [225 ILCS 25/1 - 25/57] or the Podiatric Medical Practice Act of 1987 (111. Rev. Stat. 1989 1991, ch. 111, par. 4801 et seq.) [225 ILCS 100/1 - 100/45], who may use radiation for therapeutic, diagnostic, or other medical purposes within the limits of ~~his~~ the individual's licensure.

"Protective apron" means any apron made of radiation attenuating materials, at least 0.25 millimeter lead equivalent, that may be used to reduce exposure to radiation.

"Public dose" means the dose received by a member of the public from sources of radiation from licensed or registered operations. Public dose does not include occupational dose, or dose received from background radiation, as a patient from medical practices, or from voluntary participation in medical research programs.

"Qualified Engineering Expert" means any person qualified under the Illinois Architecture Practice Act of 1989 (111. Rev. Stat. 1989 1991, ch. 111, par. 1301 et seq.) [225 ILCS 305/1 - 305/40], The Structural Engineering Licensing Act of 1989 (111. Rev. Stat. 1989 1991, ch. 111, par. 6601 et seq.) [225 ILCS 340/1 - 340/38] and/or any required combination thereof.

"Quality factor" (Q) means the modifying factor (listed in Section 310.140, Tables 1 and 2) that is used to derive dose equivalent from absorbed dose.

"Rad" means the special unit of absorbed dose. One rad equals ~~one hundredth of a~~ is equal to an absorbed dose of 100 ergs per gram or 0.01 joule per kilogram (J/kg) (0.01 Gy) of material; for example, if tissue is the material of interest, then 1 rad equals 100 ergs per gram of tissue (10 milligrays). (See Section 310.130 for SI equivalent gray).

"Radiation" (ionizing radiation) means gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles, but not sound or radio waves, or visible, infrared or ultraviolet light. (See Section 40/4(f) of the Act.)

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"Radiation area" means any area, accessible to individuals, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 5 millirems (0.05 millisievert), or in any 5 consecutive days a dose in excess of 100 millirems (1 millisievert) could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in 1 hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.

"Radiation dose" (see "Dose").

"Radiation Installation" is any location or facility where radiation machines are used or where radioactive material is produced, transported, stored, disposed or used for any purpose, (See Section 40/4(g) of the Act.) except where such radioactive materials or facility are subject to regulation by the NRC.

"Radiation machine" means any device that produces radiation when in use (See Section 40/4(h) of the Act.) except those which produce radiation only from radioactive materials.

"Radiation safety officer" means ~~one~~ an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been designated assigned such responsibility by the licensee or registrant.

"Radioactive material" means any solid, liquid, or gaseous substance which emits radiation spontaneously. (See Section 40/4(j) of the Act.)

"Radioactivity" means the disintegration (transformation) of unstable atomic nuclei by the emission of radiation.

"Radiobiassay" (see "Bioassay").

"Registrant" means any person who is registered with the Department and is legally obligated to register with the Department pursuant to the Radiation Installation Act (111. Rev. Stat. 1991, ch. 111, par. 195 et seq.) [420 ILCS 30/0.01 - 30/8] and 32 111. Adm. Code 320.10.

"Registration" means registration with the Department in accordance with 32 111. Adm. Code 320.10.

"Regulations of the U.S. Department of Transportation" (U.S. DOT) means the regulations in 49 CFR 100-189, revised as of October 1,

1990 1991, exclusive of any subsequent amendments or editions. A copy of 49 CFR 100-189 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

"Rem" means a the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv). One millirem (mrem) = 0.001 rem. (See Section 310.130 for SI equivalent sievert.) Any of the following is considered to be equal to one rem:

An exposure of 1 roentgen of x or gamma radiation;

An absorbed dose of 1 rad due to x, gamma, or beta radiation;

An absorbed dose of 0.05 rad due to particles heavier than protons and with sufficient energy to reach the lens of the eye;

An absorbed dose of 0.1 rad due to neutrons or high-energy protons.

AGENCY NOTE: If it is more convenient to measure the neutron flux, or equivalent, than to determine the neutron absorbed dose in rads, one rem of neutron radiation may be assumed to be equivalent to 14 million neutrons per square centimeter incident upon the body; or, if there exists sufficient information to estimate with reasonable accuracy, the approximate distribution in energy of the neutrons, the incident number of neutrons per square centimeter equivalent to one rem may be estimated from the following table:

Neutron Flux Dose Equivalents		
Neutron energy (MeV)	Number of neutrons per square centimeter for a dose equivalent of 1 rem (10 millisieverts) (neutrons/cm ²)	Average flux density to deliver 100 millirems (1 millisievert) in 40 hours (neutrons/cm ² per second)
Thermal	970 x 10 ⁶	670

0-0001	720 x 10 ⁶	500
0-005	820 x 10 ⁶	570
0-02	400 x 10 ⁶	280
0-1	120 x 10 ⁶	80
0-5	43 x 10 ⁶	30
1-0	26 x 10 ⁶	18
2-5	29 x 10 ⁶	20
5-0	26 x 10 ⁶	18
7-5	24 x 10 ⁶	17
10-0	24 x 10 ⁶	17
10 to 30	14 x 10 ⁶	10

"Research and development" means:

theoretical analysis, exploration, or experimentation; or the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

"Restricted area" means any area, access to which is controlled limited by the licensee or registrant for purposes of protection of protecting individuals against undue risks from exposure to sources of radiation and radioactive material. A restricted Restricted area shall not include any areas used for residential quarters, although a separate room or but separate rooms in a residential building may be set apart as a restricted area.

"Roentgen" means the special unit of exposure. One roentgen (R) equals 2.58 x 10⁻⁴ coulombs per kilogram (C/kg) of air. (See "Exposure" and Section 310.140.)

"Sealed source" means any device containing radioactive material to be used as a source of radiation which has been constructed in such a manner as to prevent the escape of any radioactive material. (See Ill. Rev. Stat. 1999 1991, ch. 111, par. 194(f).) [420 ILCS 30/1(f)]

"Shallow dose equivalent" (H_s), which applies to the external exposure of the skin or an extremity, means the dose equivalent at

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a tissue depth of 0.007 centimeter (7 milligrams per square centimeter) averaged over an area of 1 square centimeter.

"SI" means the abbreviation for the International System of Units.

"Sievert" (Sv) means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

"Source material" means:

uranium or thorium, or any combination thereof, in any physical or chemical form; or

ores which contain by weight one-twentieth of one percent (0.05 percent) or more of ~~uranium, thorium, or any combination thereof.~~

~~uranium;~~

~~thorium; or~~

~~any combination thereof.~~

{Source material does not include special nuclear material.}

"Source of radiation" means any radioactive material or any device or equipment emitting, or capable of producing, radiation.

"Special form radioactive material" means radioactive material that satisfies the following conditions:

It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule.

The piece or capsule has at least one dimension not less than 5 millimeters (0.197 inch); and

It satisfies the test requirements specified in 10 CFR 71.75 and 71.77, revised as of January 1, 1991, exclusive of subsequent amendments or editions, except that special form radioactive material designed or constructed prior to July 1, 1985 need only meet the requirements of 10 CFR 71.75 and 71.77 in effect on June 30, 1983.

AGENCY NOTE: A copy of 10 CFR 71 is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

"Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Department declares by order to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material. (See Section 40/4(1) of the Act.)

"Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; U-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them, except source material, in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed ± one. For example, the following quantities in combination would not exceed the limitation and are within the formula:

175(grams contained U-235)	+50(grams U-233)	+50(grams Pu) = 1
350	200	200

"Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, ~~and/or~~ presence of sources of radiation ~~under a specific set of conditions to determine actual or potential radiation hazards. When appropriate, such an evaluation includes, but is not limited to, tests, physical examinations, and measurements or calculations of levels of radiation, or concentrations or quantities of radioactive material present.~~

"Test" means the process of verifying compliance with an applicable regulation.

"Total effective dose equivalent" (TEDE) means the sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

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"Total organ dose equivalent" (TODE) means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in 32 Ill. Adm. Code 340.1160(a)(6).

"Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

"Unrestricted area" means any area access to which is not controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive material, and any area used for residential quarters.

AGENCY NOTE: Licensees or registrants may control access to certain areas for purposes other than radiation protection, but such action does not affect whether the areas are unrestricted areas as defined in this Part.

"Uranium fuel cycle" means the operations of milling of uranium ore, chemical conversion of uranium, isotopic enrichment of uranium, fabrication of uranium fuel, generation of electricity by a light-water-cooled nuclear power plant using uranium fuel, and reprocessing of spent uranium fuel to the extent that these activities directly support the production of electrical power for public use. Uranium fuel cycle does not include mining operations, operations at waste disposal sites, transportation of radioactive material in support of these operations, and the reuse of recovered non-uranium special nuclear and byproduct materials from the cycle.

"U.S. Department of Energy" means the Department of Energy Organization Act (established by Public Law P.L. 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq.), to the extent that the Department of Energy, or its duly authorized representatives, exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to sections 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law P.L. 93-438, October 11, 1974, 88 Stat. 1233 at 1237, effective January 19, 1975 42 U.S.C. 5814) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (Public Law P.L. 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977).

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"Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

"Unrestricted area" means any area access to which is not controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive material, and any area used for residential quarters.

"Very high radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving an absorbed dose in excess of 5 Gy (500 rad) in 1 hour at 1 meter from a source of radiation or from any surface that the radiation penetrates.

AGENCY NOTE: For very high doses received at high dose rates, units of absorbed dose (e.g., gray and rad) are appropriate rather than units of dose equivalent (e.g., sievert and rem).

"Waste handling licensee" means a person licensed by the NRC, the Department, an Agreement State or a Licensing State to receive radioactive wastes for storage, treatment, or both storage and treatment prior to disposal as well as any person licensed to receive radioactive waste for disposal away from the point of generation.

"Week" means 7 consecutive days starting on Sunday.

"Whole body" means, for purposes of external exposure, head, trunk (including male gonads), arms above the elbow, or legs above the knee.

"Worker" means any individual engaged in work under a license or registration issued by the Department and controlled by a licensee or registrant, but does not include the licensee or registrant.

"Working level" (WL) means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon daughters are for radon-222: polonium-218, lead-214, bismuth-214 and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212 and polonium-212.

"Working level month" (WLM) means an exposure to 1 working level (WL) for 170 hours. (2,000 working hours per year divided by 12 months per year is approximately equal to 170 hours per month.)

"Year" means the period of time beginning in January used to determine compliance with the provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the decision to make the change is made not later than December 31 of the previous year. If a licensee or registrant changes a year, the licensee or registrant shall assure that no day is omitted or duplicated in consecutive years.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 310.80 Violations

- a) Any person who shall violate any of the provisions of, or who fails to perform any duty imposed by this Act, or who violates any determination or order of the Department promulgated pursuant to the Act, is guilty of a Class A misdemeanor; provided each day during which violation continues shall constitute a separate offense; and in addition thereto, such person may be enjoined from continuing such violation as hereinafter provided. (See Section 40/39 of the Act.)

- b) Whenever the Department believes upon inspection and examination of a radiation installation or a radiation source as constructed, operated, or maintained that there has been a violation of any of the Department's rules or regulations promulgated pursuant to the Act, the Department, in addition to taking other enforcement action, may impose a civil penalty, not exceeding \$1,000 to exceed \$10,000 for such violation, provided each day the violation continues shall constitute a separate offense. (See Section 40/36 of the Act.)

- c) The penalties provided herein shall be recoverable in an action brought in the name of the people of the State of Illinois by the Attorney General. (See Section 37 40/39 of the Act.)

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 310.81 Policy for Assessment of Civil Penalties

- a) Whenever the Department believes upon inspection and examination of a radiation installation or a radiation source as constructed, operated or maintained that there has been a violation of any of the provisions of the Act or of any rules or regulations promulgated pursuant to the Act, the Department, in addition to

taking other enforcement action, may impose a civil penalty not exceeding \$1,000 per violation for each day the violation continues, in accordance with the provisions of this Section and Section 310.82 to exceed \$10,000 for such violation. (See Section 40/36 of the Act.) Penalties shall be assessed in accordance with the provisions of this Section and Section 310.82.

- b) A civil penalty will be assessed whenever the Department, based on consideration of the factors set forth in subsection (c) below, determines that a civil penalty is appropriate and issues a Preliminary Order and Notice of Opportunity for Hearing, in accordance with 32 Ill. Adm. Code 200.60.

c) Factors to be Considered in Assessing Civil Penalties

- 1) The Department shall consider the factors contained in subsection (c)(2) below to determine whether a penalty should be assessed, as provided in subsection (d) below, and the amount of the penalty. However, if the Department has by rule established the amount to be assessed for a particular violation, the Department shall assess the penalty as specified in that rule without regard to the factors contained in subsection (c)(2) below.

AGENCY NOTE: For an example of a rule that establishes the amount of the civil penalty to be assessed, see 32 Ill. Adm. Code 401.170, which specifies the civil penalties to be assessed for violations of the Department's radiologic technologist accreditation requirements.

- 2) The factors to be considered by the Department are:

- A) History of Previous Violations. The Department shall consider the person's history of previous violations of the Radiation Protection Act of 1990, the Department's rules promulgated under that Act, and licenses issued pursuant to that Act. Each prior violation will be considered without regard to whether it led to a civil penalty assessment. A prior violation shall not be considered, however, if the notice or order relating to the prior violation is the subject of pending administrative or judicial review, or if the time to request such review or to appeal any administrative or judicial decision relating to the prior violation has not expired, and thereafter it shall be considered for only six years. Further, no

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~~violation for which a~~ The Department shall not consider a prior violation if a Preliminary or Final Order relating pertaining to the that prior violation has been vacated, shall be considered. The Department shall not consider previous violations that occurred more than six years prior to the issuance of the Preliminary Order.

B) Severity of the Violation. The Department shall consider the severity of the violation, including, but not limited to, actual or potential contamination of the environment resulting from the violation and any actual or potential hazard to the health or safety of the public or to the employees of the person to whom the Preliminary Order was issued workers, resulting from the violation. When evaluating the severity of the violation, the Department may also consider the impact that the violation has on the Department's ability to determine compliance with requirements established by statute, regulation, or license condition.

C) Negligence Culpability. The Department shall consider whether the person to whom the Preliminary Order was issued was negligent in causing, allowing, or failing to correct the violation, condition, or practice which led to was cited in the Preliminary Order. The Department shall also consider:

- i) whether the violation was intentional or inadvertent;
- ii) whether the violation was allowed to continue once identified;
- iii) whether actions were taken to correct or mitigate the violation and the timeliness of such actions; and
- iv) whether the violation was voluntarily reported to the Department.

d) Determination of the Amount of Penalty; Assessment of Separate Violations for Each Day

- 1) The Department may assess a civil penalty not to exceed one

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ten thousand dollars (\$10,000) per violation for each day the violation continues. In determining whether to make such an assessment, the Department shall consider the factors listed in subsection (c) above, however, if the Department's rules specify the amount of the civil penalty to be assessed for a particular violation, the Department shall assess the civil penalty in that amount so specified, without consideration of the factors listed in subsection (c) above.

- 2) When determining the amount of penalty, the Department shall consider each day of a continuing violation to be a separate violation. Accordingly, the Department may assess a separate penalty, in accordance with this Section and Section 310.82, for each day that a violation continues.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 310.82 Procedures for Assessment of Civil Penalties

a) Issuance of Assessment

- 1) If the Department assesses a civil penalty pursuant to Section 310.81(b), it shall do so by issuing a Preliminary Order and Notice of Opportunity for Hearing pursuant to 32 Ill. Adm. Code 200.

- 2) ~~Along with such~~ The Preliminary Order and Notice of Opportunity for Hearing, ~~the Department shall deliver by certified mail or personal service, a copy of the completed worksheets in Appendix C showing the completion of the assessment. A worksheet shall be completed for each violation.~~ shall contain, for each violation alleged, the proposed civil penalty to be assessed and the Department's basis for proposing the assessment.

b) Payment of Assessment

Unless a hearing has been requested by the deadline specified in the Preliminary Order and Notice of Opportunity for Hearing, within thirty (30) days after receipt issuance of the Preliminary Order, the person upon whom the penalty was assessed shall pay the penalty in full.

c) Procedures for Hearing

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- 1) The person to whom the Preliminary Order and Notice of Opportunity for Hearing was issued may appeal the imposition of the civil penalty by submitting a written request for a hearing in accordance with 32 Ill. Adm. Code 200.20.
- 2) Upon receiving such a request for a hearing, the Department shall conduct a public hearing regarding the finding of violation or the penalty assessment, in accordance with the provisions of 32 Ill. Adm. Code 200.
- 3) After the hearing is held, the Director shall issue a Final Order in accordance with 32 Ill. Adm. Code 200.230.
- d) Final Assessment and Payment of Penalty
 - 1) If the person to whom a Preliminary Order and Notice of Opportunity for Hearing is issued fails to request a hearing as provided in subsection (b) above, the assessment Preliminary Order shall become a final order of the Department and the penalty assessed shall become due and payable within the thirty (30) days from receipt issuance of the Preliminary Order.
 - 2) If the person to whom a Preliminary Order and Notice of Opportunity for Hearing is issued requests judicial review of a final order of the Department, the penalty assessed in accordance with Section 310.81(c) shall not be payable until completion of the review.
 - 3) The civil penalties provided herein shall be recoverable in an action brought in the name of the people of the State of Illinois by the Attorney General.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 310.100 Prohibited Uses

- a) Hand-held fluoroscopic screens shall not be used with x-ray equipment.
- b) Shoe-fitting fluoroscopic devices shall not be used.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

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Section 310.130 The International System of Units (SI) (Repealed)

The Metric Conversion Act of 1975 (P.L. 94-168, 89 Stat. 1007, effective December 23, 1975) urged the increasing awareness and use of the International System of Units (SI). The generally accepted regulatory values in the narrative portions of this document are followed by the SI equivalents in parentheses. Where appropriate, schedules and appendices are provided with notes concerning conversion factors. The inclusion of the SI equivalent is for informational purposes.

- a) absorbed dose. The unit of absorbed dose is the gray (Gy), which is equal to 1 joule per kilogram. One rad is equal to 1×10^{-2} gray. Sub-multiples included in this document are the milligray (mGy) and microgray (μ Gy).
- b) dose equivalent. The unit of dose equivalent is the sievert (Sv) which is equal to 1 joule per kilogram. One rem is equal to 1×10^{-2} sievert. Sub-multiples included in this document are the millisievert (mSv) and the microsievert (μ Sv).
- c) exposure. The unit of exposure is the coulomb per kilogram (C/kg). One roentgen is equal to 2.58×10^{-4} coulomb per kilogram. Sub-multiples of this unit are the millicoulomb per kilogram (mC/kg) and the microcoulomb per kilogram (μ C/kg).
- d) radioactivity. The unit of measurement of radioactivity is the becquerel (Bq) and is equal to one transformation per second. One curie is equal to 3.7×10^{10} becquerels. Multiples included in this document are kilobecquerel (kBq), megabecquerel (MBq), gigabecquerel (GBq), and petabecquerel (PBq).

(Source: Repealed at ___ Ill. Reg. ___, effective _____)

Section 310.140 Units of Exposure and Radiation Dose

- a) As used in 32 Ill. Adm. Code: Chapter II, Subchapters b and d, the unit of exposure is the coulomb per kilogram (C/kg) or roentgen (R). One roentgen (R) is equal to 2.58×10^{-4} C/kg.
- b) As used in 32 Ill. Adm. Code: Chapter II, Subchapters b and d, the units of radiation dose are:

- 1) "Gray" (Gy) is the SI unit of absorbed dose. One Gy is equal to an absorbed dose of 1 joule per kilogram (J/kg). (1 Gy = 100 rad).

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- 2) "Rad" is the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs per gram or 0.01 joule per kilogram (J/kg). (1 rad = 0.01 Gy).
- 3) "Rem" is the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).
- 4) "Sievert" (Sv) is the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

c) As used in 32 Ill. Adm. Code: Chapter II, Subchapters b and d, the quality factors for converting absorbed dose to dose equivalent are as follows:

Type of Radiation	Quality Factor (Q)	Absorbed Dose Equal to a Unit Dose Equivalent*
X, gamma, or beta radiation and high-speed electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

*Absorbed dose in gray equal to 1 Sv or the absorbed dose in rad equal to 1 rem.

d) If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in rem per hour or sievert per hour, as provided in subsection (c), 0.01 Sv (1 rem) of neutron radiation of unknown energies may, for purposes of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee may convert a measured tissue dose in gray (rad) to dose equivalent in sievert (rem) by using the fluence

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rate per unit dose equivalent or the appropriate Q value shown below.

Neutron Energy (MeV)	Quality Factor* (Q)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² Sv ⁻¹)	Fluence per Unit Dose Equivalent ^c (neutrons cm ⁻² rem ⁻¹)
2.5 (E-8) (thermal)	2	980 E(8)	980 E(6)
1 E(-7)	2	980 E(8)	980 E(6)
1 E(-6)	2	810 E(8)	810 E(6)
1 E(-5)	2	810 E(8)	810 E(6)
1 E(-4)	2	840 E(8)	840 E(6)
1 E(-3)	2	980 E(8)	980 E(6)
1 E(-2)	2.5	1010 E(8)	1010 E(6)
1 E(-1)	7.5	170 E(8)	170 E(6)
5 E(-1)	11	39 E(8)	39 E(6)
1	11	27 E(8)	27 E(6)
2.5	9	29 E(8)	29 E(6)
5	8	23 E(8)	23 E(6)
7	7	24 E(8)	24 E(6)
10	6.5	24 E(8)	24 E(6)
14	7.5	17 E(8)	17 E(6)
20	8	16 E(8)	16 E(6)
40	7	14 E(8)	14 E(6)
60	5.5	16 E(8)	16 E(6)
1 E(2)	4	20 E(8)	20 E(6)
2 E(2)	3.5	19 E(8)	19 E(6)

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Neutron Energy (MeV)	Quality Factor* (Q)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² Sv ⁻¹)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² rem ⁻¹)
3 E(2)	3.5	16 E(8)	16 E(6)
4 E(2)	3.5	14 E(8)	14 E(6)

*Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-centimeter diameter cylinder tissue-equivalent phantom.

^bMonoenergetic neutrons incident normally on a 30-centimeter diameter cylinder tissue-equivalent phantom.

(Source: Added at ILL. Reg. _____, effective _____)

Section 310.150 Units of Activity

For the purposes of 32 Ill. Adm. Code: Chapter 11, Subchapters b and d, activity is expressed in the SI unit of becquerel (Bq) or in the special unit of curie (Ci), or their multiples, or disintegrations (transformations) per unit of time (dps, dpm, tps, or tpm).

- One becquerel (Bq) = 1 disintegration (transformation) per second (dps or tps).
- One curie (Ci) = 3.7×10^{10} disintegrations (transformations) per second (dps or tps) = 3.7×10^{10} becquerel (Bq) = 2.22×10^{12} disintegrations (transformations) per minute (dpm or tpm).

(Source: Added at ILL. Reg. _____, effective _____)

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Section 310. APPENDIX C Penalty Assessment Worksheet (Repealed)

Description of Violation _____ Maximum: \$1,000

A. History of Compliance

If average violation/inspection over three full program reviews by Department personnel is:

0-5	\$0
6-10	\$100 (10%)
>10	\$200 (20%)

B. Severity

Very small potential	\$0
Potential environmental effects	\$100 (10%)
Potential health effects	\$200 (20%)
Environmental and Health effects	\$400 (40%)

C. Negligence

Negligence	\$100 (10%)
Recklessness	\$200 (20%)
Willfulness	\$400 (40%)

D. Civil Penalty Proposed for this Violation _____

Total of Civil Penalties Proposed _____

AGENCY NOTE: For purposes of this assessment, the following definitions are to be used:

- Negligence:** Failure to act in accordance with statutes, regulations, or license conditions.
- Recklessness:** The act of placing employees or members of the general public at risk from radiation exposure.
- Willfulness:** The act of negligence or recklessness after the applicable requirements had been communicated to the person to whom the Preliminary Order is issued.

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AGENCY NOTE: A separate worksheet is used for each violation. The amount of the civil penalty is determined by obtaining the sum for all violations identified in the Preliminary Order.

(Source: Repealed at Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

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1) Heading of the Part: Child Support Enforcement

2) Code Citation: 89 Ill. Adm. Code 160

3) Section Numbers: Proposed Action:

160.1	Amendment
160.5	Amendment
160.15	New Section
160.25	New Section
160.77	New Section

4) Statutory Authority: Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13) [305 ILCS 5/4-1.7, 5/10-1 et seq., 5/12-4.3 and 5/12-13] and Public Act 87-412

5) Complete Description of the Subjects and Issues Involved:

The Department is proposing three additions to its rules governing child support enforcement. The first addition, proposed new Section 160.15, provides for an application processing fee for IV-D non-AFDC cases. The amount of the fee will be based on the gross monthly income of the applicant's family unit. The fee will be \$25, \$15, or one cent. When the fee is one cent, it will be paid by the Department.

The second addition, proposed new Section 160.25, establishes procedures for recoupment of overpayments in IV-D non-AFDC cases. The proposed rule provides that the Department will retain up to ten percent of each child support payment until the overpayment is recouped.

The third proposed addition provides for reporting information concerning past due support to State occupational licensing agencies. Proposed new Section 160.77 is intended to implement Section 10-17.6 of the Illinois Public Aid Code which was added by Public Act 87-412 (House Bill 2484), effective January 1, 1992. It authorizes the Department to provide information to State licensing agencies concerning past due child support amounts. Under the proposed rules, the Department will report the name, address, Social Security Number and terms and amount of past-due support in response to State occupational licensing agencies. The report will be made when the individual has applied for renewal of an occupational license. Opportunities to appeal the release of the information are specified in the proposed rule. This proposed Section 160.77 replaces an earlier version which was proposed on June 12, 1992, at 16 Ill. Reg. 1092.

These proposed amendments also include the addition of the necessary definition of "Assistance Standard" to Section 10-1.5. In addition, these proposed amendments include the definition of the term "Family unit".

"Poverty line" and "Gross monthly income" which are used in proposed new Section 160.15. The definition of "WANG" is being moved to its proper position in alphabetical order. Technical changes in the titles of Subpart A and Section 160.1 are also being proposed.

The Department does not believe that these proposed amendments will have any significant fiscal impact. Clients will not be significantly affected by the application fee, since it is based on income levels. Collection of application fees under these proposed amendments will help cover the Department's administrative costs.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: CHILD-SUPPORT-ENFORCEMENT GENERAL PROVISIONS

Section	
160.1	Incorporation By Reference
160.5	Definitions
160.10	Child Support Enforcement Program
160.15	Application Processing Fee for IV-D Non-AFDC Cases
160.20	Assignment of Rights to Support
160.25	Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section	
160.30	Cooperation With Support Enforcement Program
160.35	Good Cause For Failure to Cooperate With Support Enforcement
160.40	Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45	Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

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160.60	Establishment of Support Obligations
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SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

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160.70	Enforcement of Support Orders
160.75	Withholding of Income to Secure Payment of Support
160.77	Past Due Support Information to State Occupational Licensing Agencies
160.80	Amnesty - 20% Charge
160.85	Diligent Efforts to Serve Process

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

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160.90	Earmarking Child Support Payments

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SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

- Section
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160.110 Continue To Receive Child Support Enforcement Services
160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments
160.132 Distribution Of Child Support For Non-AFDC Clients
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160.136 Distribution Of Support Collected In IV-E Foster Care Maintenance Cases
160.138 Distribution Of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

- 160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

- 160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13) [305 ILCS 5/4-1.7, 5/10-1 et seq., 5/12-4.3 and 5/12-13]

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 16 Ill. Reg. 1034, effective January 21, 1991;

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amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART A: CHILD-SUPPORT-ENFORCEMENT GENERAL PROVISIONS

Section 160.1 Incorporation By Reference

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

(Amended at 17 Ill. Reg. _____, effective _____)

Section 160.5 Definitions

"AFDC" refers to the Aid to Families with Dependent Children Program, Title IV-A of the Social Security Act (42 U.S.C. 601 et seq.) that is financial and medical assistance available to families with one or more dependent children or on behalf of dependent children in foster care under the guardianship of the Department of Children and Family Services.

"MANG" refers to Medical Assistance No Grant under the Medical Assistance Program, Title XIX of the Social Security Act (42 U.S.C. 1396k), that is medical assistance to families and individuals who are in no cash payment is made.

"AFDC MANG" refers to Medical Assistance No Grant cases in which medical assistance only is available to families with one or more dependent children.

"AFDC recipient" refers to a person who is receiving financial and medical assistance under the AFDC program in the current month.

"AFDC MANG recipient" refers to a member of a family with one or more dependent children receiving medical assistance only in the current month.

Section 160.5 (continued)

"Assignment of Medical Support" refers to the transfer of support rights to the Department by the acceptance of AFDC benefits under 42 U.S.C. 1396k and Section 10-1 of the Illinois Public Aid Code (Ill. Rev. Stat., 1991, ch. 23, par. 10-1).

"Assignment of support" refers to the transfer of support rights to the Department by the acceptance of AFDC benefits, pursuant to 42 U.S.C. 602(a)(26)(A) and Section 10-1 of the Illinois Public Aid Code (Ill. Rev. Stat., 1989 1991, ch. 23, par. 10-1).

"Assistance Standard" shall have the meaning ascribed to it in 89 Ill. Adm. Code 111.

"Cancellation" refers to the discontinuance of AFDC financial and medical benefits for an assistance unit because of the failure to satisfy the conditions of eligibility under the Title IV-A State Plan.

"Child support enforcement services" refers to those services provided to establish, enforce and collect support, in accordance with an approved State Plan under Title IV-D of the Social Security Act (42 U.S.C. 654).

"Family Support Information System" or "FSIS" refers to the data processing system used to process all IV-D cases in Illinois.

"IV-D account receivable" or "support account" refers to a part of the accounting system in FSIS used to record charges, payments, and account adjustments for a particular account. More than one account may exist for a given caretaker relative and for a given responsible relative. For example, a mother with two children by one father from one marriage, and three children by a second father from another marriage, will have two support accounts if there are two separate support obligations. If children are born in a non-marital relationship, there will be one account per child.

"IV-D program" or "IV-D" refers to the child support program set forth in 42 U.S.C. 651 et seq. and this Part of the Department administrative rules.

"MANG" refers to Medical Assistance No Grant under the Medicaid Program, Title XIX of the Social Security Act (42 U.S.C. 1396k), that is medical assistance to families and individuals wherein no cash payment is made.

"Responsible relative" refers to a person who is responsible, or alleged to be responsible, under law for support of a dependent.

Section 160.5 (continued)

"Support case" refers to a case established in the FSIS for the purpose of providing establishment, enforcement and collection services to dependent children and their custodial parent, in accordance with the provisions of Title IV-D of the Social Security Act (42 U.S.C. 654).

"Support obligation" refers to the duty a non-custodial relative owes to his or her dependents, as set forth in a legally-valid court or administrative order.

"Unreimbursed AFDC" refers to the total amount of financial assistance provided to a family unit, in accordance with Title IV-A of the Social Security Act (42 U.S.C. 601 et seq.) for which the State and Federal governments have not been reimbursed. The State and Federal governments are limited in the amount of support payments they may retain for "unreimbursed AFDC", in accordance with the provisions set forth in Sections 160.100, 160.110 and 160.130 of this Part. The "amount of unreimbursed assistance accrued prior to the AFDC cancellation", reported in the Department's "Statements of Child Support Account Activity for Former Recipients" (see Section 160.140), is that limited amount which the Department is entitled to retain.

(Amended at 17 Ill. Reg. _____, effective _____)

Section 160.15 Application Processing Fee for IV-D Non-AFDC Cases

a) For the purposes of this Section, the following definitions apply:

1) "Family unit" means all persons living in a household who are related by blood or marriage.

2) "Poverty line" means the non-farm income official poverty line applicable to Illinois, as determined by the Federal Office of Management and Budget and revised annually in accordance with 42 U.S.C. 9902.

3) "Gross monthly income" means the total of all monthly income from all sources, excluding child support and maintenance.

b) Commencing with the effective date of this Section, in IV-D non-AFDC cases where an application for child support services is required, the Department shall charge the applicant an application processing fee as follows:

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Section 160.15(b) (continued)

- 1) \$25 where the gross monthly income of the applicant's family unit is at least 133 percent of the poverty line applicable to families of the same size; or
- 2) \$15 where the gross monthly income of the applicant's family unit is at least equal to the assistance standard but less than 133 percent of the poverty line applicable to families of the same size; or
- 3) One cent where the gross monthly income of the applicant's family unit is less than the assistance standard applicable to families of the same size, except that the one cent fee shall be paid by the Department out of State funds.
- c) The application processing fee shall be non-refundable and shall be paid prior to the commencement of child support enforcement services.

(Added at 17 Ill. Reg. _____, effective _____)

Section 160.25

Recoupment

- a) Whenever a client in a IV-D non-AFDC case has received funds through the child support enforcement program to which the client was not entitled, the Department will retain up to ten percent of each subsequent child support payment collected on behalf of the client until the full amount has been recouped.
- b) The Department shall provide the client with a notice at least 45 days prior to commencing recoupment, which shall inform the client of the following:

- 1) the IV-D non-AFDC case identification number and the responsible relative's name;
- 2) the amount to be recouped;
- 3) the reason the client was not entitled to the amount;
- 4) up to ten percent of each payment collected on behalf of the client will be retained by the Department until the full amount stated in the notice is recovered, commencing with the next payment of child support received from the responsible relative 45 days after the date of mailing of the notice.

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Section 160.25(b) (continued)

- 5) the opportunity, within 30 days after the date of mailing of the notice, to prevent recoupment by payment of the full amount stated in the advance notice; and
- 6) the opportunity to contest the determination that the client received funds to which the client was not entitled or the amount of such funds by requesting a redetermination by the Department.
- c) The Department shall be stayed from commencing recoupment when a request for redetermination is received within 30 days after the date of mailing of the advance notice. For purposes of computing whether a request for redetermination was made within the 30 day period, the day immediately after the mailing of the advance notice shall be considered as the first day and the day the request for redetermination was received by the Department shall be considered as the last day.
- d) The Department shall provide the client with notice of the results of the redetermination.
- e) The Department shall reimburse the client for any amount due that was previously recouped, based on the results of the redetermination.
- f) The Department shall inform individuals applying for or receiving IV-D non-AFDC support enforcement services that they will be liable for repayment of any amount received if the Department determines they were not entitled to that amount.

(Added at 17 Ill. Reg. _____, effective _____)

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.77

Past Due Support Information to State Occupational Licensing Agencies

- a) The Department shall provide the following information concerning the payment records of responsible relatives in IV-D cases to State occupational licensing agencies pursuant to data sharing agreements when the amount of past-due support is equal to at least one month's support obligation pursuant to the order for support. The responsible relative is not subject to the income withholding provisions of the support statutes and the agency states that the responsible relative has applied for renewal of an occupational license;

Section 160.77(a) (continued)

- 1) the name, last known address and Social Security Number of the responsible relative; and
 - 2) the terms and amount of past-due support which has accumulated under the order for support.
- b) The Department shall provide the responsible relative with a notice at least 45 days prior to furnishing past-due support information to a State occupational licensing agency, which advance notice shall inform the relative of the following:

- 1) the IV-D case name and identification number;
- 2) the past-due support amount which will be reported;
- 3) the date past-due support will be reported; and
- 4) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination of the amount of past-due support by requesting a redetermination by the Department within 30 days after the date of mailing of the notice.

c) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 30 days from the date of mailing of the notice.

d) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for hearing.

e) The Department shall be stayed from providing information to a State occupational licensing agency by either of the following:

- 1) A request for a:
 - A) redetermination; or
 - B) hearing contesting the determination that past-due support is owed or the amount of past-due support; or
- 2) Payment in full of the amount of the past-due support stated in the:
 - A) advance notice; or

Section 160.77(e)(2) (continued)

B) notice of redetermination or hearing results.

f) For purposes of computing whether a request for redetermination or hearing was made within the 30-day period, the day immediately after the mailing of the advance notice or notice of redetermination results shall be considered as the first day and the day the request for redetermination or hearing was received by the Department shall be considered as the last day.

(Added at 17 Ill. Reg. _____, effective _____)

TREASURER

TREASURER

NOTICE OF PROPOSED AMENDMENTS

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- 1) The Heading of the part: Smart Money Program Confidentiality Requirements
- 2) Code Citation: 74 Ill. Adm. Code 730
- 3)

Section Numbers:	Proposed Action:
730.10	Repealed
730.20	New
730.30	New
730.40	New
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 23 §11-10 (305 ILCS 5/11-10). Also required by: 7 CFR §272.1, 42 CFR §§431.300-307 and 45 CFR §§205.50-58.
- 5) A Complete Description of the Subjects and Issues Involved: These Rules protect the confidentiality of information received from the Illinois Department of Public Aid regarding Public Aid recipients.
- 6) Will this proposed rule replace an emergency rule currently in effect? These proposed amendments modify a peremptory rule already in effect in response to an objection by JCAR.
- 7) Does this rulemaking contain an automatic repeal date? NO
- 8) Do these proposed amendments contain incorporations by reference? NO
- 9) Are there any other proposed amendments pending on this Part? NO
- 10) Statement of Statewide Policy Objectives: The proposed rulemaking does not impose any mandate on any local unit of government requiring the expansion or modification of local activities or spending.

- 11) Information and questions regarding this adopted rule shall be directed to:
Matt Berns, Office of the State Treasurer
State of Illinois Center, Suite 15-600
100 West Randolph
Chicago, IL 60601
phone: (312) 814-2976
- 12) Initial Regulatory Flexibility Analysis: The proposed amendments do not impact small business.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER V: TREASURER

PART 730
SMART MONEY PROGRAM CONFIDENTIALITY REQUIREMENTS

- Section
730.10 ~~Confidentiality~~ (Repealed)
730.20 Definitions
730.30 Protection of Confidential Information
730.40 Exceptions for Disclosure of Recipient Information

AUTHORITY: Required by Federal Public Assistance Rules (codified at 7 CFR §272.1, 42 CFR §§431.300-307 and 45 CFR §§205.50-58) and the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23 §11-10) (305 ILCS 5/11-10).

SOURCE: Peremptory Rule adopted at 17 Ill. Reg. 1671, effective January 22, 1993; amended at 17 Ill. Reg. _____, effective _____.

Section 730.10 ~~Confidentiality~~ (Repealed)

~~The Illinois Department of Public Aid (IDPA) and the office of the State Treasurer (the Treasurer) have agreed to cooperate in order to facilitate the use of direct deposit and low fee checking accounts by recipients of public assistance in the State of Illinois. IDPA provides to the Treasurer information, including the names and addresses of persons receiving public assistance from IDPA, as well as the type of aid received. The Treasurer will use such information provided by IDPA only for the purposes of facilitating direct deposit and low fee checking accounts by and for recipients of public assistance in the State of Illinois. The Treasurer will not use such information provided by IDPA for general mailings and will not release the information provided by IDPA to any other entity.~~

(Source: Peremptory Rule adopted at 17 Ill. Reg. 1671, effective January 22, 1993; repealed at 17 Ill. Reg. _____, effective _____.)

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Section 730.20 Definitions

The following definitions shall apply to this Part:

"Agreement" shall mean the Interagency Agreement between the Treasurer's Office and the Department of Public Aid to administer the Smart Money Program.

"Public Aid Recipients" or "Recipients" shall mean those persons receiving Federal and State assistance administered by the Department of Public Aid.

"Recipient Information" or "Information" shall mean name, address, social security number, social or economic conditions or circumstances, and similar information provided by the Department of Public Aid to the Treasurer's Office.

"Smart Money Program" shall mean the program administered jointly by the Treasurer and the Department of Public Aid to encourage Public Aid Recipients in the use of direct deposit for benefits.

(Source: Added at 17 Ill. Reg. _____, effective _____.)

Section 730.30 Protection of Confidential Information

a) Recipient Information held by the Treasurer's Office shall be used only for the purpose of administering the Smart Money Program and for no other political or commercial purposes.

b) Access to Recipient Information shall be limited to those Treasurer's office employees directly involved in the administration of the Smart Money Program. All Recipient Information shall be stored and processed so as to prevent disclosure to unauthorized persons.

c) Recipient Information shall not be subject to general publication or disclosure, except as provided in Section 730.40 of this Part.

(Source: Added at 17 Ill. Reg. _____, effective _____.)

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Section 730.40

Exceptions for Disclosure of Recipient Information.

a) The address of a Recipient may be released to State or local law enforcement agencies upon written request, provided:

- 1) address information is disclosed only to law enforcement officers who provide the name and social security number of a Recipient who is a fugitive felon;
- 2) location or apprehension of such felon is within the law enforcement officer's official duties; and
- 3) the request is made in the proper exercise of those duties.

b) Recipient Information may be used by the Treasurer's Office or the Department of Public Aid in connection with any audit or similar activity conducted in connection with the administration of the Smart Money Program, or by any other governmental agency specifically authorized by law to conduct such an audit or similar activity.

c) Recipient Information may be used by any authorized governmental or law enforcement agency in the investigation of fraud in connection with Federal and State assistance administered by the Department of Public Aid.

d) Recipient Information may be released with the prior permission of the Recipient.

e) If Recipient Information is released pursuant to a court order, the Treasurer's office must apprise the court of all relevant statutes and rules safeguarding such information.

(Source: Added at 17 Ill. Reg. _____, effective _____.)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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1) The Heading of the Part: Low Income Home Energy Assistance Program

2) Code Citation: 47 Ill. Adm. Code 100

3) Section Numbers: Adopted Action:

100.30 Amendment

100.105 Amendment

100.Appendix A

Illustration A Amendment

Illustration B Amendment

Illustration C Amendment

Illustration D Amendment

Illustration E Amendment

Illustration F Amendment

4) Statutory Authority: Implementing the Energy Assistance Act of 1989 (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 1401, et seq.) [305 ILCS 20/1 et seq.] and Section 2 of the Illinois Economic Opportunity Act (Ill. Rev. Stat. 1991, ch. 127, par. 2602, as amended by P.A. 87-926, effective August 26, 1992) [20 ILCS 625/2] and authorized by Section 4 of the Energy Assistance Act of 1989 (Ill. Rev. Stat. 1991, ch. 111 2/3, par. 1404) [305 ILCS 20/4], Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 46.20) [20 ILCS 605/46.20], and the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C.A. 8621 et seq. (1991)).

5) Effective Date of Amendments: March 12, 1993

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: March 5, 1993.

9) Notice of Proposal Published in Illinois Register: November 6, 1992 - 16 Ill. Reg. 16707.

10) Has JCAR issued a Statement of Objections to these amendments? No.

11) Differences between proposal and final version: Only technical changes recommended by JCAR have been made to this rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements between the Department of Commerce and Community Affairs and JCAR were necessary to resolve JCAR questions concerning this rulemaking.

13) Will these amendments replace an emergency amendment currently in effect? Yes.

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- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: The department is amending the "Low Income Home Energy Assistance Program" rules to reflect changes for the 1993 program year. In Section 100.30 the definition of "secondary energy source" has been revised (in accordance with federal rules). The energy assistance benefit amounts found in Appendix A, Illustrations A-F are being updated to reflect Illinois' 1993 allocation of federal block grant funds. Provisions governing the State's allocation of these funds (Section 100.105) have been revised to reflect 1990 census data.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Norman Sims, Deputy Director
Department of Commerce and Community Affairs
Office of Policy Development, Planning & Research
620 East Adams Street, 3rd floor
Springfield, Illinois 62701
Telephone Number: (217) 785-6174
T.D.D. Number: (217) 785-6055

The full text of the Adopted Amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 100

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
100.10	Legislative Base
100.20	Purpose and Scope
100.30	Definitions
100.40	Local Administering Agency Designation
100.45	Local Administering Agency Application for Funding
100.50	Grant Termination
100.60	Eligible Grantees (Recodified)
100.70	Administrative Requirements
100.80	Nondiscrimination
100.85	Dispute Procedures
100.90	Complaint Process
100.100	Incorporation by Reference

SUBPART B: ENERGY ASSISTANCE

Section	
100.103	Energy Assistance Program
100.105	Allocation of Block Grant Funds
100.106	Allocation of Illinois Department of Public Aid Funds (Repealed)
100.110	Assistance Available
100.111	Status Category 1 Procedures (Applicants on Aid to Families with Dependent Children (AFDC) Assistance) (Repealed)
100.113	Applicant Assistance
100.115	Cooling Assistance
100.117	Supplemental Assistance (Repealed)
100.120	Determination of Household Eligibility
100.130	Grant Application Requirements (Repealed)
100.140	Eligible Grantees (Repealed)

SUBPART C: WEATHERIZATION

Section	
100.210	Definitions (Repealed)
100.220	Allocation of Funds
100.230	Local Administering Agency Selection (Repealed)
100.240	Local Administering Agency Application (Repealed)
100.250	Minimum Program Requirements
100.260	Allowable Costs
100.270	Cost Restrictions
100.280	Standards and Techniques for Weatherization

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100.290 Eligible Dwelling Units

APPENDIX A	LIHEAP Payment Matrix
ILLUSTRATION A	1993 1992 Payment Matrix - North #1 (0-40% 50% of Poverty Level)
ILLUSTRATION B	1993 1992 Payment Matrix - North #2 (41%-80% of Poverty Level)
ILLUSTRATION C	1993 1992 Payment Matrix - North #3 (81-110% of Poverty Level)
ILLUSTRATION D	1993 1992 Payment Matrix - South #1 (0-40% 50% of Poverty Level)
ILLUSTRATION E	1993 1992 Payment Matrix - South #2 (41%-80% of Poverty Level)
ILLUSTRATION F	1993 1992 Payment Matrix - South #3 (81-110% of Poverty Level)
APPENDIX B	FY'88 IHAP Assistance Level Chart/Cooling Payment Matrix (Repealed)
APPENDIX C	Medical Certification
APPENDIX D	Assistance Level Chart Map
APPENDIX E	REAPP Direct Payment Matrix (Repealed)
APPENDIX F	90% of the Adjusted Average Winter Energy Cost (Monthly Allowable Payment) (Repealed)

AUTHORITY: Implementing the Energy Assistance Act of 1989 (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 1401 et seq.) [305 ILCS 20/1 et seq.] and Section 2 of the Illinois Economic Opportunity Act (Ill. Rev. Stat. 1991, ch. 127, par. 2602, as amended by P.A. 87-926, effective August 26, 1992) [20 ILCS 625/2] and authorized by Section 4 of the Energy Assistance Act of 1989 (Ill. Rev. Stat. 1991, ch. 111 2/3, par. 1404) [305 ILCS 20/4], Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 46.20) [20 ILCS 605/46.20], and the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C.A. 8621 et seq. (1991)).

SOURCE: Adopted and codified at 7 Ill. Reg. 2956, effective March 9, 1983; amended at 8 Ill. Reg. 8184, effective May 31, 1984; amended at 8 Ill. Reg. 16004, effective August 27, 1984; amended at 8 Ill. Reg. 20669, effective October 6, 1984; amended at 9 Ill. Reg. 10710, effective July 1, 1985; amended at 9 Ill. Reg. 18134, effective November 12, 1985; amended at 10 Ill. Reg. 8684, effective May 12, 1986; amended at 10 Ill. Reg. 21064, effective December 9, 1986; amended at 11 Ill. Reg. 682, effective December 18, 1986; recodified at 11 Ill. Reg. 4631; amended at 12 Ill. Reg. 757, effective December 23, 1987; amended at 12 Ill. Reg. 14639, effective September 6, 1988; amended at 12 Ill. Reg. 15530, effective September 19, 1988; amended at 13 Ill. Reg. 10827, effective June 27, 1989; amended at 13 Ill. Reg. 13568, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 17870, effective November 1, 1989, for a maximum of 150 days; emergency expired March 31, 1990; amended at 14 Ill. Reg. 13440, effective August 8, 1990; amended at 15 Ill. Reg. 3437, effective February 25, 1991; emergency amendment at 15 Ill. Reg. 14604, effective September 30, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3940,

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effective February 26, 1992; emergency amendment at 16 Ill. Reg. 17136, effective October 26, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 3836, effective March 12, 1993.

SUBPART A: GENERAL PROVISIONS

Section 100.30 Definitions

"Act": The Energy Assistance Act of 1989 (Ill. Rev. Stat. 1991 1989, ch. 111 2/3, pars. 1401 et seq. ~~as amended by P.A. 87-147--effective July-24-1991~~) [305 ILCS 20/1 et seq.].

"Customer of record": Any person who is receiving home energy services from a home energy provider and has agreed to pay for those services or did receive home energy services during the program year from a home energy provider and has not changed the home energy provider for that type of home energy service.

"Department": The Illinois Department of Commerce and Community Affairs.

"Disabled Person": A person who is and who is expected to continue indefinitely to be subject to a physical, developmental, visual, hearing or mental disability, as defined in Section 4A of the Illinois Identification Card Act (Ill. Rev. Stat. 1991 1989, ch. 124, par. 24A) [15 ILCS 335/4A].

"Dwelling Unit": A house, including a stationary mobile home, an apartment, or a room or group of rooms occupied as separate, independent living quarters.

"Elderly Person": A person who is 60 years of age or older.

"Energy Crisis Intervention": Weather-related and supply shortage emergencies.

"Grant Agreement": The contractual agreement between the Department and Local Administering Agency, which includes the scope of work to be provided, the budget, and all terms and conditions of the contract.

"HHS": United States Department of Health and Human Services.

"Home Energy": A fuel used for space heating, space cooling, water heating, cooking or in electrical appliances in residential dwellings.

"Home Energy Provider": Any utility, municipal utility, cooperative utility, sole proprietorship, partnership, joint venture, corporation, company or other established business which provides primary and secondary energy, including fuel, to residential dwellings and has

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elected to participate in the LIHEAP. The primary energy provider is a home energy provider that provides the primary source of energy; and the secondary energy provider is a home energy provider that provides the secondary source of energy.

"Household": All individuals who occupy a dwelling unit.

"Household Income": Gross income received by all members of the household who are residing in the household at the time of application. Under the Energy Assistance Act of 1989, household income will be calculated for the past 30 days. Households applying for Weatherization Assistance who have not been approved to receive energy assistance under the Low-Income Home Energy Assistance Act of 1981, will have their income calculated for the past 12 months, in accordance with 10 CFR 440 (January 1, 1991 edition). Income does not include the following:

Payments for vocational rehabilitation transportation and maintenance;

Reimbursement for medical expenses;

Payments made to others on the household's behalf provided that such payments were not directed by the household (i.e., bills paid or purchases made by others);

Loans (including student loans);

Scholarships, subsistence amounts or student grants;

Assets drawn down as withdrawals from a bank;

Sale of property;

Sale of house or car;

Tax refunds;

Gifts;

One-time insurance payments or compensation for injury;

Non-cash income;

One-time payments (e.g., death-related benefits, Circuit Breaker Benefits);

Foster-grandparents and Senior Companions stipends;

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

Foster-parent reimbursement;

Food Stamps;

Job Training Partnership Act (JTPA) benefits; and

Allowances, earnings and payments to individuals participating in programs under this Act.

"Kitchen Facilities": An area used to store and prepare food.

"Landlord": A person that receives payment for the rental of his/her dwelling unit.

"Local Administering Agency (LAA)": A community action agency or other community-based organization or unit of general purpose local government or public agency which is authorized, in accordance with Section 100.40, to administer LIHEAP funds received from the Department.

"Low-Income Home Energy Assistance Act of 1981": Established by the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35, August 31, 1981), Title XXVI - Low Income Home Energy Assistance) and amended by the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (P.L. 101-501, November 3, 1990).

"Multi-Unit Building": A structure containing two or more dwelling units.

"Owner Occupied Building": A building in which the owner is a permanent resident in the building.

"Primary Energy Source": The energy or fuel type which is the heat source for the central heating system of the residence, or if the residence is not centrally heated, the energy or fuel type which constitutes the principal source of space heating.

"Program Year": The period in time starting October 1 and ending April **September** 30 in the following year.

"Public Utility": An entity which is defined as a public utility under Section 3-105 of the Public Utilities Act (Ill. Rev. Stat. 1991 #989, ch. 111 2/3, par. 3-105) [220 ILCS 5/3-105] and is subject to regulation by the Illinois Commerce Commission (ICC).

"Rental Unit": A dwelling unit occupied by a person who pays rent for the use of the dwelling unit.

"Secondary Energy Source": Energy or fuel used for other than the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

primary source of heat. In order to receive a secondary direct vendor payment, the secondary energy source must be an integral part of the heating system or heat-related. An example of this would be the heat-related electricity that is used to operate the controls and distribution (fan) system of a furnace.

"Separate Independent Living Quarters": Living quarters in which the household members do not live and eat with any other persons in the structure and which have:

either direct access from the outside of the building or through a common hall and complete kitchen facilities for the exclusive use of the occupants.

"Single-Family Dwelling Unit": A structure containing no more than one dwelling unit.

"State": The State of Illinois.

"Subgrantee": A Local Administering Agency managing an energy assistance or weatherization project which receives a grant of funds awarded under this part from the State.

"Unit of General Purpose Local Government": Any city, county, town, village or township.

"Weatherization Materials":

Caulking and weatherstripping of doors and windows;

Furnace efficiency modifications, including, but not limited to: replacement burners, furnaces and permanently installed space heaters (including wood/coal burning stoves), or boilers or any combination thereof;

devices for minimizing energy loss through heating systems, chimney or venting devices;

products to improve the efficient circulation of heated water or air throughout the dwelling unit (e.g., fan systems, piping, and duct work); and

electrical or mechanical furnace ignition systems which replace standing gas pilot lights;

Clock thermostats;

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Ceiling, attic, wall, floor, and duct insulation;

Water heater insulation;

Storm windows and doors, multi-glazed windows and doors, heat-absorbing or heat-reflective window and door materials; and

The following insulating or energy conserving devices or technologies:

Skirting;

Items to improve attic ventilation;

Vapor barriers;

Materials used as a patch to reduce infiltration through the building envelope;

Water flow controllers;

Movable insulation systems for windows;

Material to construct vestibules;

Pipe and boiler insulation;

Heat exchangers;

Thermostat control systems;

Replacement windows and doors;

Materials used for water heater modifications which will result in improved energy efficiency;

Hot water heat pumps;

Waste heat recovery devices;

Materials used for heating and cooling systems tune-ups, repairs, and modifications which will result in improved energy efficiency; and

Materials used for boiler tune-ups, repairs, and modifications which will result in improved energy efficiency.

"Weatherization Project": A project conducted in a designated

geographic area which undertakes the weatherization of dwelling units that are energy inefficient.

"Winter": The period from November 1 of any year through April 30 of the following year (Section (3)(d) of the Act).

"Winter Energy Services": Home energy provided during the six-month period of November through April of the following year.

(Source: Amended at 17 Ill. Reg. 3836, effective March 12, 1993)

SUBPART B: ENERGY ASSISTANCE

Section 100.105 Allocation of Block Grant Funds

a) The Department shall allocate financial assistance for each county from sums available for any fiscal year from the Low Income Home Energy Assistance Block Grant as described in the State's annual plan to HHS.

b) The Department shall determine allocations for each county from available funds.

1) At least 50% of the funds available shall be allocated to each county based on the "Index of Need".

A) The "Index of Need" is comprised of five factors which are:

- i) Unemployment;
- ii) Heating Degree Days;
- iii) Fuel Cost Factor Per 100,000 BTUs;
- iv) Persons in Poverty (100% ±25% of the OMB Poverty Income Guidelines);
- v) Elderly in Poverty (100% ±25% of OMB Poverty Income Guidelines); and

vi) Handicapped-for-disabled Disabled persons in-Poverty. Each factor will be multiplied by an assigned weight. The formula for determining each of these factors and the weight to be assigned to these factors is as follows:

i) average-number-of-unemployed-persons-per-county divided-by-total-average-number-of-unemployed-persons-for-State-unemployment-±5%;

ii) number of climatic heating degree days per county divided by total climatic heating degree days for State = heating degree days (5%);

iii) estimated fuel cost per 100,000 BTUs per county divided by total estimated fuel cost per 100,000 BTUs for State = fuel cost factor per 100,000 BTUs (5%);

iv) number of persons in poverty per county divided by total number of persons in poverty for State = persons in poverty (75% ±50%);

- v) number of elderly persons in poverty per county divided by total number of elderly persons in poverty for State = elderly in poverty (10% ±5%); and
- vi) number of disabled persons in-poverty per county divided by total number of disabled persons in-poverty for State = Disabled handicapped-for-disabled-in-poverty (5% ±10%).

C) The sum of weighted factors will be multiplied by the total amount allocated to the counties to determine the county's allocation of funds.

2) The remaining funds shall be held by the State for meeting those program contingencies which cannot be reasonably anticipated, (e.g., an unusually high need for energy assistance in any given county) and to meet the local agencies' administrative and/or outreach needs.

c) The Department shall increase or reduce the allocation for a county for any of the following reasons:

- 1) Changes in federal or state fund availability.
- 2) Changes in sums available for any fiscal year from the Low Income Home Energy Assistance Block Grant as described in the State's annual plan to HHS.
- 3) The Department determines that the level of applications, which are eligible under Section 100.120, differs from the local agency's allocation, which is determined pursuant to subsection (b), during the subgrant period for which financial assistance was awarded.

d) The Department shall make available one-third of the allocation for any county for the provision of assistance described in Section 100.110(a)(1) or (2) to eligible applicant households who are recipients of Aid to Families with Dependent Children (AFDC); General Assistance (GA); Aid to Aged, Blind, and Disabled (AABD); or who have incomes equal to or less than 50% ±40% as-of-October-1992 of the OMB Poverty Guidelines.

e) The Department shall notify the designated LAAs of the county allocation(s) for which that agency is eligible to apply. Where no agency has been designated, the county allocation(s) will be included in a request for proposal which shall be publicly advertised in the state newspaper and in at least one local newspaper within the area to be served.

(Source: Amended at 17 Ill. Reg. 3836, effective March 12, 1993)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100.APPENDIX A LIHEAP Payment Matrix

Section 100. ILLUSTRATION A 1993 1992 Payment Matrix - North #1 (0-40% 50% of Poverty Level)

DIRECT VENDOR PAYMENTS

Fuel Type	Energy Source	Household Size					
		1	2	3	4	5	6 or more
Natural Gas/Other	Primary	\$292	\$292	\$294	\$296	\$298	\$301
	Secondary	\$299	\$308	\$317	\$326	\$335	\$343
	Total	\$115	\$120	\$124	\$129	\$134	\$139
All Electric	Primary	\$438	\$438	\$441	\$453	\$464	\$477
	Secondary	\$414	\$428	\$441	\$455	\$469	\$482
	Total	\$277	\$277	\$357	\$437	\$518	\$598
Propane/Fuel Oil	Primary	\$508	\$508	\$511	\$515	\$519	\$523
	Secondary	\$551	\$565	\$579	\$592	\$606	\$619
	Total	\$115	\$120	\$124	\$129	\$134	\$139

CASH PAYMENTS

Household Size						
1	2	3	4	5	6 or more	
\$120	\$120	\$130	\$140	\$150	\$160	

(Source: Amended at 17 Ill. Reg. 3836, effective March 12, 1993)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION B 1993 1992 Payment Matrix - North #2 (41% - 80% of Poverty Level)

DIRECT VENDOR PAYMENTS

Fuel Type	Energy Source	Household Size					
		1	2	3	4	5	6 or more
Natural Gas/Other	Primary	\$195	\$195	\$197	\$198	\$200	\$201
	Secondary	\$224	\$231	\$238	\$244	\$251	\$258
	Total	\$86	\$90	\$93	\$97	\$100	\$104
All Electric	Primary	\$287	\$287	\$296	\$303	\$311	\$319
	Secondary	\$310	\$321	\$331	\$341	\$351	\$362
	Total	\$185	\$185	\$239	\$293	\$347	\$401
Propane/Fuel Oil	Primary	\$340	\$340	\$343	\$345	\$348	\$358
	Secondary	\$413	\$424	\$434	\$444	\$454	\$464
	Total	\$86	\$90	\$93	\$97	\$100	\$104

CASH PAYMENTS

Household Size						
1	2	3	4	5	6 or more	
\$-80	\$-80	\$-87	\$-94	\$-101	\$-107	
\$90	\$90	\$98	\$105	\$113	\$120	

(Source: Amended at 17 Ill. Reg. 3836, effective March 12, 1993)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION C 1993 1992 Payment Matrix - North #3 (81-110 of Poverty Level)

DIRECT VENDOR PAYMENTS

Fuel Type	Energy Source	Household Size					
		1	2	3	4	5	6 or more
Natural Gas/Other	Primary	\$146	\$146	\$147	\$148	\$149	\$150
	Secondary	\$150	\$154	\$158	\$163	\$167	\$172
	Total	\$57	\$60	\$62	\$65	\$67	\$69
	Not Applicable	\$207	\$214	\$220	\$228	\$234	\$241
All Electric	Primary	\$130	\$130	\$130	\$130	\$130	\$130
	Secondary	\$162	\$167	\$172	\$177	\$182	\$187
Propane/Fuel Oil	Primary	\$254	\$254	\$256	\$258	\$259	\$261
	Secondary	\$276	\$283	\$289	\$296	\$303	\$310
	Total	\$57	\$60	\$62	\$65	\$67	\$69
	Not Applicable	\$323	\$323	\$330	\$336	\$342	\$349

CASH PAYMENTS

Household Size							
1	2	3	4	5	6 or more		
\$ 60	\$ 60	\$ 65	\$ 70	\$ 75	\$ 80		

(Source: Amended at 17 Ill. Reg. 3836, effective March 12, 1993)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION D 1993 1992 Payment Matrix - South #1 (0-40% of Poverty Level)

DIRECT VENDOR PAYMENTS

Fuel Type	Energy Source	Household Size					
		1	2	3	4	5	6 or more
Natural Gas/Other	Primary	\$212	\$212	\$214	\$216	\$218	\$220
	Secondary	\$192	\$200	\$209	\$218	\$227	\$235
	Total	\$111	\$116	\$120	\$125	\$130	\$135
	Not Applicable	\$303	\$316	\$329	\$343	\$357	\$370
All Electric	Primary	\$232	\$232	\$233	\$233	\$233	\$233
	Secondary	\$240	\$250	\$260	\$270	\$280	\$290
Propane/Fuel Oil	Primary	\$367	\$367	\$371	\$375	\$379	\$383
	Secondary	\$360	\$374	\$387	\$401	\$414	\$428
	Total	\$111	\$116	\$120	\$125	\$130	\$135
	Not Applicable	\$481	\$481	\$495	\$508	\$522	\$535

CASH PAYMENTS

Household Size							
1	2	3	4	5	6 or more		
\$100	\$100	\$110	\$120	\$130	\$140	\$150	

(Source: Amended at 17 Ill. Reg. 3836, effective March 12, 1993)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION B 1993 1992 Payment Matrix - South #2 (41st-80th of Poverty Level)

DIRECT VENDOR PAYMENTS

Fuel Type	Energy Source	Household Size					
		1	2	3	4	5	6 or more
Natural Gas/Other	Primary	\$142	\$142	\$143	\$145	\$146	\$147
	Secondary	\$144	\$150	\$157	\$163	\$170	\$177
	Total	\$83	\$87	\$90	\$94	\$97	\$101
All Electric	Primary	\$219	\$219	\$226	\$234	\$242	\$249
	Secondary	\$227	\$237	\$247	\$257	\$267	\$278
	Total	\$227	\$237	\$247	\$257	\$267	\$278
Propane/Fuel Oil	Primary	\$156	\$156	\$156	\$156	\$156	\$156
	Secondary	\$180	\$187	\$195	\$203	\$210	\$217
	Total	\$180	\$187	\$195	\$203	\$210	\$217
Propane/Fuel Oil	Primary	\$246	\$246	\$249	\$251	\$254	\$257
	Secondary	\$270	\$280	\$290	\$300	\$311	\$321
	Total	\$83	\$87	\$90	\$94	\$97	\$101
Propane/Fuel Oil	Primary	\$323	\$323	\$332	\$340	\$350	\$359
	Secondary	\$353	\$367	\$380	\$394	\$408	\$422
	Total	\$353	\$367	\$380	\$394	\$408	\$422

CASH PAYMENTS

Household Size							
1	2	3	4	5	6 or more		
\$-67	\$-74	\$-80	\$-87	\$-94	\$-94		
\$83	\$90	\$98	\$105	\$113	\$113		

(Source: Amended at 17 Ill. Reg. 3836, effective March 12, 1993)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION P 1993 1992 Payment Matrix - South #3 (81-110th of Poverty Level)

DIRECT VENDOR PAYMENTS

Fuel Type	Energy Source	Household Size					
		1	2	3	4	5	6 or more
Natural Gas/Other	Primary	\$106	\$106	\$107	\$108	\$109	\$110
	Secondary	\$96	\$100	\$105	\$109	\$113	\$118
	Total	\$55	\$58	\$60	\$63	\$65	\$67
All Electric	Primary	\$163	\$163	\$169	\$175	\$180	\$186
	Secondary	\$151	\$158	\$165	\$172	\$178	\$185
	Total	\$116	\$116	\$116	\$116	\$116	\$116
Propane/Fuel Oil	Primary	\$184	\$184	\$186	\$187	\$189	\$191
	Secondary	\$180	\$187	\$194	\$200	\$207	\$214
	Total	\$55	\$58	\$60	\$63	\$65	\$67
Propane/Fuel Oil	Primary	\$241	\$241	\$248	\$254	\$260	\$267
	Secondary	\$235	\$245	\$254	\$263	\$272	\$281
	Total	\$235	\$245	\$254	\$263	\$272	\$281

CASH PAYMENTS

Household Size							
1	2	3	4	5	6 or more		
\$-50	\$-50	\$-55	\$-60	\$-65	\$-70		
\$55	\$55	\$60	\$65	\$70	\$75		

(Source: Amended at 17 Ill. Reg. 3836, effective March 12, 1993)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Sport Fishing Regulations for the Waters of Illinois

2) CODE CITATION: 17 Ill. Adm. Code 810

3) SECTION NUMBERS:

810.20
810.35
810.37
810.45
810.60
810.70

ADOPTED ACTION:

Amendments
Amendments
Amendments
Amendments
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5) [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5]

5) EFFECTIVE DATE OF AMENDMENTS: March 15, 1993

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: March 15, 1993

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: November 20, 1992, 16 Ill. Reg. 17414

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In the Table of Contents, Section 810.90, the "s" was removed from "permits".

In the Authority Note, the Act was changed to read "the Fish and Aquatic Life Code" and the following citation was added at the end of the paragraph "[515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5]."

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

The Main Source Note and all affected source notes were updated to "17 Ill. Reg.".

In Section 810.20(d), the Act was changed to read "the Fish and Aquatic Life Code".

In Section 810.45, the name of a Lake was changed which necessitated the deletion of "New Lake" and addition of the following site:

Lake Sule, Flaggs-Rochelle Park District

Ogle County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Pure Muskellunge - 36" Minimum Length Limit

2) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: Based on the results of biological surveys and subsequent data analysis, the Division of Fisheries has determined that these amendments are necessary for the maintenance and/or production of quality fisheries in State-managed waters.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER 1: FISH AND WILDLIFE

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section	
810.10	Sale of Fish and Fishing Seasons
810.20	Snagging
810.30	Pole and Line Fishing Only (Repealed)
810.35	Statewide Sportfishing Regulations - Daily Catch and Size Limits
810.37	Definitions for Site Specific Sportfishing Regulations
810.40	Daily Catch and Size Limits (Repealed)
810.45	Site Specific Water Area Regulations
810.50	Bait Fishing
810.60	Bullfrogs
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Fishing Tournament Permit
810.100	Bed Protection

AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-12, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code (Ill. Reg. Stat. 1991, ch. 56, pars. 1-120, 1-125, 1-150, 5-5, 10-5, 10-12, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5) [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-12, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendments at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendments at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendments at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendments at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendments at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days;

DEPARTMENT OF CONSERVATION

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emergency expired February 1, 1990; emergency amendments at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days, emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendments at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. 16863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991; emergency amendments at 15 Ill. Reg. 5430, effective March 27, 1991, for a maximum of 150 days; emergency expired August 24, 1991; amended at 15 Ill. Reg. 9977, effective June 24, 1991; amended at 15 Ill. Reg. 13347, effective September 3, 1991; amended at 16 Ill. Reg. 5267, effective March 20, 1992; emergency amendments at 16 Ill. Reg. 6016, effective March 25, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12526, effective July 28, 1992; amended at 17 Ill. Reg. 3853, effective March 15, 1993.

Section 810.20 Snagging

a) Anglers are permitted only one pole and line device to which can be attached no more than two hooks.

b) Species of Fish and Snagging Catch Limit.

1) Only the following species of fish and catch limit may be taken by snagging:

Carp - no catch limit

Buffalo - no catch limit

Freshwater Drum - no catch limit

Salmon (coho and chinook only) - 5 daily, of which not more than

3 may be of the same fish species

Paddlefish - 2 per day

Bowfin - no catch limit

Gizzard shad - no catch limit

Carp suckers - no catch limit

Longnose gar - no catch limit

Shortnose gar - no catch limit

Suckers - no catch limit

2) No sorting of snagged salmon and paddlefish is permitted. Every salmon 10 inches in total length or longer and paddlefish taken by snagging must be kept and included in the daily catch limit.

c) Waters Open to Snagging and Snagging Season.

1) Snagging for fish is permitted year-round within a 300 yard downstream limit below all locks and dams of the Illinois and Mississippi Rivers.

2) Snagging for fish is permitted year-round within a 100 yard limit upstream or downstream of the dam at Horseshoe Lake in Alexander County.

3) Snagging for chinook and coho salmon only is permitted from the following Lake Michigan shoreline areas from October 1 through December 31; however, no snagging is allowed at any time within 200 feet of a moored watercraft or as posted:

A) Lincoln Park Lagoon from the Fullerton Avenue Bridge to the

- southern end of the Lagoon.
B) Waukegan Harbor (in North Harbor basin only).
C) Winnetka Power Plant discharge area.
D) Jackson Harbor (Inner and Outer Harbors).
d) Disposition of Snagged Salmon and Paddlefish. All snagged salmon and paddlefish must be removed from the area from which they are taken and disposed of properly, in accordance with Article 5, Section 2-5 of the Fish and Aquatic Life Code of 1971.

(Source: Amended at 17 Ill. Reg. 3853, effective March 15, 1993)

Section 810.35 Statewide Sportfishing Regulations - Daily Catch and Size Limits

- a) Length is measured from the tip of the snout to the end of the tail with the fish laid flat on a ruler, with the mouth of the fish closed and the tail lobes pressed together.
b) No person may remove the head or tail of fishes to which length limits apply while on the waters to which length limits apply. Regardless of where taken, no fish less than the specified minimum length or more than the daily catch shall be possessed on the waters to which length limits and/or daily catch limits apply.
c) Statewide limits by type of fish:

- 1) CHANNEL CATFISH
There are no daily catch or size limits except in those waters listed under Site Specific Regulations.
- 2) LARGemouth BASS, SMALLmouth BASS, SPOTTED BASS
Daily catch limit is 6 bass, either singly or in the aggregate, except as specified under Site Specific Regulations. There is no size limit except in those waters listed under Site Specific Regulations.
- 3) MUSKELLUNGE, NORTHERN PIKE AND THEIR HYBRIDS
A) All muskellunge and muskellunge hybrids (tiger muskie) taken must be 30 inches in total length or longer, except as specified under Site Specific Regulations.
B) No more than 1 muskellunge or muskellunge hybrid (tiger muskie), either singly or in the aggregate, may be taken per day.
C) All northern pike taken must be 24 inches in total length or longer, except in the Mississippi River where there is no size limit.
D) No more than 3 northern pike may be taken per day, except as specified under Site Specific Regulations.
- 4) CRAPPIE (BLACK-AND-WHITE, BLACK OR HYBRID CRAPPIE)
There are no catch or size limits except in those waters listed under Site Specific Regulations.
- 5) BLUEGILL AND REDEAR SUNFISH
There are no catch or size limits except in those waters listed

- under Site Specific Regulations.
6) STRIPED BASS (OCEAN ROCKFISH), WHITE BASS AND GYBRIDS
There are no daily catch limits or minimum size limits for striped bass (ocean rockfish), white bass, and their hybrids, which are less than 17 inches in total length, except in those waters listed under Site Specific Regulations. For these fish 17 inches in total length or longer, the daily limit is 3 fish, either singly or in the aggregate.
7) TROUT AND SALMON
Daily catch limit is 5 trout or salmon, either singly or in the aggregate.
8) WALLEYE, SAUGER OR AND THEIR HYBRID
Daily catch limit is 6 walleye, or sauger or their hybrid, either singly or in the aggregate, except in those waters listed under Site Specific Regulations. There is no size limit except in those waters listed under Site Specific Regulations.

(Source: Amended at 17 Ill. Reg. 3853, effective March 15, 1993)

Section 810.37 Definitions for Site Specific Sportfishing Regulations

- a) Site Specific Regulations are listed by water area affected. The coverage of the regulation is dictated by the extent of the water area listed and not by the county. In some cases, regulations for a given water area or site may extend beyond the county(ies) listed. The county(ies) listed refer to the location of the dam or outfall for impoundments or mouths of small streams. Since large rivers or streams usually flow through many counties, the term "Multiple" is used rather than listing all counties where the large stream or river flows.
b) The subsections listed below are referred to by number in Section 810.45. Each water area listed in Section 810.45 has numbers in parenthesis which explain all of the definitions in this Section which apply to that water area.
1) Anglers must not use more than 2 poles and each pole must not have more than 2 hooks or lures attached while fishing, except that legal size cast nets, (in accordance with subsection 810.50(a)(1)) shad scoops, and minnow seines may be used to obtain shad, minnows, and crayfish to use as bait, provided that they are not sold.
2) Includes white, black, or and-white hybrid crappie, singly or in the aggregate.
3) All largemouth and smallmouth bass taken must be less than 12 inches in total length or greater than 15 inches in total length. Except that sport fishermen shall be allowed to use trot-lines, trotlines--bank--poles and jugs, and except that the use and aid of underwater breathing devices for the purpose of taking channel catfish and flathead catfish is prohibited. West of Wolf Creek Road, fishing from boats is permitted all year. Trotlines/jugs

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must be removed from sunrise until sunset from Memorial Day through Labor Day. East of Wolf Creek Road, fishing from boats is permitted from March 15 through September 30. Fishing from the bank is permitted all year only at the Wolf Creek and Route 148 causeways. On the entire lake, jugs and trotlines must be checked daily and must be removed on the last day they are used. It is illegal to use stakes to anchor any trotlines; they must be anchored only with portable weights and must be removed on the last day they are used. The taking of carp and buffalo with bow and arrow is permissible.

- 5) Except that carp, buffalo, and bowfin may be taken by pitchfork, bow and arrow devices, and gigs.
- 6) Including the Fox River south of the Illinois-Wisconsin line to the McHenry Dam.
- 7) Except that carp, buffalo, suckers and gar may be taken by bow and arrow devices or spears during May and June.
- 8) Except that sport fishermen may take carp by means of pitchfork, bow and arrow devices and gigs during May and June.
- 9) Except that all fishing is prohibited in any area from Monday's Bridge upstream to the state property line east of headquarters, and in an area from a point 300' upstream of trail marker 0, upstream to trail marker 4.
- 10) It shall be illegal to process trout during the period of October 1 to 5 a.m. on the third Saturday in October (both dates inclusive) which were taken during that period.
- 11) It shall be illegal to possess trout during the period of March 15 to 5 a.m. on the 1st Saturday in April (both dates inclusive) which were taken during that period.
- 12) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 6 fish per day, no more than one of which shall be greater than 15 inches in length and none of which shall be greater than 12 inches and less than or equal to 15 inches in length.
- 13) Except that jug fishing is permitted from the hours of sunset to sunrise, and except that carp and buffalo may be taken by bow and arrow devices from May 1 through September 30. All jugs must have owner's/user's name and complete address affixed.
- 14) Daily catch limit includes all fish species (either singly or in the aggregate) caught within each of the following fish groupings.
 - A) Largemouth or Smallmouth Bass
 - B) Walleye, or Sauger, or their hybrid
 - C) Bluegill or Redear Sunfish
- 15) Daily catch limit includes black-and/or white, black, or hybrid crappie either singly or in the aggregate.
- 16) Daily catch limit includes Striped Bass, White Bass and Hybrid Striped Bass either singly or in the aggregate.
- 17) Daily catch limit shall not exceed 10 fish daily, no more than 3 of which may be 17 inches or longer in length.

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- 18) Except that sport fishermen shall be allowed to use trout lines, jugs and bank poles in the portions of the lake that lie north of the Davenport Bridge and northeast of the Parnell Bridge.
- 19) Except that sport fishermen may take carp, buffalo, gar, and bowfin by means of pitchfork and bow and arrow devices.
- 20) Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurracane Creek up the U.S. Army Corps of Engineers Carlyle Lake Project boundaries), U.S. Army Corps of Engineers Bond, Clinton, and Fayette Counties.
- 21) Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), Lake Shelbyville Project Ponds and Woods Lake, U.S. Army Corps of Engineers, Shelby and Moultrie Counties.
- 22) Rend Lake (including its tributary streams and those portions of the Big Muddy and Casey Fork Rivers up to the Rend Lake Project boundaries), Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties.
- 23) Lake Vermillion and the portion of the North Fork of the Vermillion River between the Lake Vermillion Dam and the Interstate Water Company's Pump Station Spillway, Vermillion County Conservation District, Vermillion County.
- 24) 10 Fish Daily Creel Limit of which no more than 6 may be walleye.
- 25) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish per day, no more than one of which may be equal to or greater than 15 inches in total length and no more than 2 of which may be less than 15 inches in total length.
- 26) Lake Vermillion - Trot line and jug finishing allowed north of Boiling Springs Road.
- 27) Except that bank fishing is prohibited. Boat fishing is permitted from the next to last Saturday in April until the second Sunday in October, during the hours of 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 8:00 p.m.
- 28) Except that carp, carpsuckers, buffalo, gar, bowfin, and suckers may be taken by means of pitchfork, gigs, bow and arrow or bow and arrow devices.
- 29) Except that carp, buffalo, suckers and carpsuckers may be taken by means of pitchfork and gigs (no bow and arrow devices).
- 30) Fishing is permitted from March 15 through September 30, both dates inclusive, from sunrise to sunset. Fishing during all other times of the year is illegal and not permitted.

(Source: Amended at 17 Ill. Reg. 3853, effective March 15, 1993)

Section 810.45 Site Specific Water Area Regulations

Fishing regulations, including species of fish, fishing methods and daily catch

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limits are listed for each water area. The numbers in parenthesis refer to the corresponding numbered definitions in Section 810.37 of this Part. If a water area is not listed or if a specific species is not listed, then state-wide restrictions apply. Check the bulletin boards at the specific site for any emergency changes to regulations.

Allison Lake, City of Allison
Logan County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Channel Catfish

Andover Lake, City of Andover
Henry County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

All Fish
Channel CatfishArgyle Lake, Argyle Lake State Park
McDonough County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish more than 15" and/or
5 less than 12" Daily (12)
- 14" Minimum Length Limit
- 5 less than 12" Daily (12)

Walleye, Sauger, or Hybrid
WalleyeAshland City Reservoir, City of Ashland
Cass County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

All Fish
Channel Catfish
Large or Smallmouth BassAshley Reservoir, City of Ashley
Washington County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length

All Fish
Channel Catfish
Large or Smallmouth Bass

Auburn Park Lagoon, Chicago Park District

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Cook County
All Fish
Channel Catfish

Baker Lake, City of Peru

- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit

LaSalle County
All Fish
Bluegill or Redear Sunfish
Channel Catfish

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- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)

- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit

Baldwin Lake, Baldwin Lake Conservation Area

Randolph County

- All Fish
- Large or Smallmouth Bass
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- White, Black, or Hybrid
- Crappie (15)
- White, Black, or Hybrid
- Crappie

- 2 Pole and Line Fishing Only (1)(28)
- 18" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit

Banana Lake, Lake County Forest Preserve District

Lake County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass (14)
- Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit

Banner Marsh Lake & Ponds, Banner Marsh State Fish and Wildlife Area
Peoria/Fulton Counties

- All Fish
- Channel Catfish
- Large or Smallmouth Bass (14)
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid
- Walleye

- 2 Pole and Line Fishing Only (1)(7)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit

Bay Creek Lake, U.S. Forest Service

Pope County

- All Fish
- Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Beall Woods Lake, Beall Woods Conservation Area

Wabash County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Beaver Dam Lake, Beaver Dam State Park

Macoupin County

- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

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- Large or Smallmouth Bass (14)
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- Borah Lake, City of Olney
Richland County
All Fish
Channel Catfish
Large or Smallmouth Bass
- Braidwood-Mazonia Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area
Grundy/Will County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- Buckner City Reservoir, City of Buckner
Franklin County
All Fish
Channel Catfish
- Bunker Hill Lake, City of Bunker Hill
Macoupin County
All Fish
Channel Catfish
- Burrells Wood Park Pond
White County
Channel Catfish
- Busse Lake, Cook County Forest Preserve
Cook County
All Fish
Channel Catfish
Walleye, Sauger, or Hybrid
Walleye
- 3 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 16" Minimum Length Limit

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- Carlyle Lake (20), U.S. Army Corps of Engineers
Clinton County
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- Carthage Lake, City of Carthage
Hancock County
Channel Catfish
- Cedar Lake, U.S. Forest Service and City of Carbondale
Jackson County
All Fish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye
- Centralia Lake, City of Centralia
Marion County
Large or Smallmouth Bass
- Charleston Lower Channel Lake, City of Charleston
Coles County
All Fish
- Charleston Side Channel Lake, City of Charleston
Coles County
All Fish
Channel Catfish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- Charlie Brown Lake & Pond, City of Flora
Clay County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 10" Minimum Length Limit
- 6 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 15" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

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NOTICE OF ADOPTED AMENDMENT(S)

Citizen's Lake, State of Illinois

Warren County

- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Clinton Lake, Clinton Lake State Recreation Area

Dewitt County

- All Fish
- Large or Smallmouth Bass
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- Walleye or Sauger
- White, Black, or Hybrid
- Crappie (15)
- White, Black, or Hybrid
- Crappie
- 2 Pole and Line Fishing Only (1)(18)
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 15 Fish Daily Creel Limit
- 10" Minimum Length Limit

Coal Creek Fish and Wildlife Area, State of Illinois

Bureau County

- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit

Coffee Lake, Coffee Lake State Fish and Wildlife Area

Montgomery County

- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- White, Black, or Hybrid
- Crappie (15)
- White, Black, or Hybrid
- Crappie
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit

Coles County Airport Lake, Coles County Airport

Coles County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Columbus Park Lagoon, Chicago Park District

Cook County

- All Fish
- 2 Pole and Line Fishing Only (1)

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Channel Catfish

- 6 Fish Daily Creel Limit

Cook Co. F.P.D. Lakes, Cook County Forest Preserve District

Cook County

- All Fish
- 2 Pole and Line Fishing Only (1)

Coulterville City Lake, City of Coulterville

Randolph County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

~~Crab Orchard~~ Crab Orchard National Wildlife Refuge, Crab Orchard Lake,

U.S. Fish and Wildlife Service

Williamson County

- All Fish
- Striped, White, or Hybrid
- Striped Bass (16)
- 2 Pole and Line Fishing Only (1)(4)
- 10 Creel/3 Fish 17" or Longer Daily (17)

Crab Orchard National Wildlife Refuge, Devil's Kitchen Lake, U.S. Fish and

Wildlife Service

Williamson County

- All Fish
- 2 Pole and Line Fishing Only (1)

Crab Orchard National Wildlife Refuge, Little Grassy Lake, U.S. Fish and

Wildlife Service

Williamson County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Crab Orchard Lake--~~6~~ National Wildlife Refuge, Refuge Ponds (exceptVisitor Pond), ~~Crab Orchard National Wildlife Refuge~~ U.S. Fish and

Wildlife Service

Williamson County

- All Fish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit

Crab Orchard National Wildlife Refuge, Visitor Pond, U.S. Fish and Wildlife

Service

Williamson County

All Fish (30)

Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 21" Minimum Length Limit

Crawford Co. Cons. Area ponds, Crawford County Conservation Area

Crawford County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

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NOTICE OF ADOPTED AMENDMENT(S)

Dawson Lake & Park Ponds, Moraine View State Park

- McLean County
- 2 Pole and Line Fishing Only (1)
 - 25 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 14" Minimum Length Limit
 - 9" Minimum Length Limit
 - 15 Fish Daily Creel Limit
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black or Hybrid Crappie
- White, Black or Hybrid
- Crappie (15)

Decatur Park Dist. Ponds, City of Decatur

- Macon County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- All Fish
- Channel Catfish

Defiance Lake, Moraine Hills State Park

- McHenry County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)

Devitts-Kitchen Lake, U.S.-Fish-and-Wildlife Service

- Williamson County
- 2 Pole and Line Fishing Only (1)
- All Fish

Dolan Lake, Hamilton County Conservation Area

- Hamilton County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 14" Minimum Length Limit
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid
- Walleye

Douglas Park Lagoon, Chicago Park District

- Cook County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- All Fish
- Channel Catfish

Dutchman Lake, Shawnee National Forest

- Johnson County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- All Fish
- Channel Catfish

East Park Lake, City of Olney

- Richard County
- 2 Pole and Line Fishing Only (1)
- All Fish

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- Channel Catfish
- 6 Fish Daily Creel Limit
 - 12-15" Slot Length Limit (3)
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black, or Hybrid
- Crappie (15)

- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit

Evergreen Lake, City of Bloomington

- McLean County
- 15" Minimum Length Limit
 - 35" Minimum Length Limit
 - 14" Minimum Length Limit
- Large or Smallmouth Bass
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye

Ferne Clyffe Lake, Ferne Clyffe State Park

- Johnson County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- All Fish
- Channel Catfish

Forbes State Lake, Stephen A. Forbes State Park

- Marion County
- 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- Walleye, Sauger, or Hybrid
- Walleye

Forbes State Lake & Ponds, Stephen A. Forbes State Park

- Marion County
- 2 Pole and Line Fishing Only (1)(5)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- All Fish
- Channel Catfish
- Large or Smallmouth Bass

Forest Park Lagoon, City of Shelbyville

- Shelby County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- All Fish
- Channel Catfish

Four Lakes, Winnebago County Forest Preserve

- Winnebago County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- All Fish
- Channel Catfish

Fox Chain O'Lakes, State of Illinois

- Lake and McHenry County Counties
- 14" Minimum Length Limit (6)
 - 36" Minimum Length Limit
- Large or Smallmouth Bass
- Pure Muskellunge
- Walleye, Sauger, or Hybrid

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Walleye
Walleye, Sauger, or Hybrid
Walleye (14)
- 18" Minimum Length Limit (6)
- 3 Fish Daily Creel Limit (6)

Frank Holten Lakes, Frank Holten State Park
St. Clair County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Franklin Creek, Franklin Creek State Natural Area
Lee County
All Fish
- 2 Pole and Line Fishing Only (1)(9)

Gale Lake, Village of East Galesburg
Knox County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Garfield Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Gabhard Woods Ponds, Gebhard Woods State Park
Grundy County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Giant City Park Ponds, State of Illinois
Jackson and Union Counties
Largemouth and Spotted Bass
- 15" Minimum Length Limit

Gillespie New City Lake, City of Gillespie
Macoupin County
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 3 Fish Daily Creel Limit

Gillespie Old City Lake, City of Gillespie
Macoupin County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Gladstone Lake, Henderson County Conservation Area

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Henderson County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 3 Fish Daily Creel Limit

Glen Shoals Lake, City of Hillsboro
Montgomery County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Gompers Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
Gordon F. More Park Lake, City of Alton
Madison County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 2 Fish <15" &/or 1 Fish >or= 15" Daily (25)

Governor Bond Lake, City of Greenville
Bond County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Greenfield City Lake, City of Greenfield
Green County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Greenville Old City Lake, City of Greenville
Bond County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Harrisburg New City Reservoir, City of Harrisburg

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Saline County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area
Grundy County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 10 Creel/3 Fish 17" or Longer
Daily (17)
- 22" Minimum Length Limit
- 3 Fish Daily Creel Limit

Walleye, Sauger, or Hybrid
Walleye
Walleye, Sauger, or Hybrid
Walleye (14)

Hennepin-Canal-Hennepin-Canal-Parkway-State-Park

Multiple-Counties
All Fish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Hennepin Canal-Mainline & Feeder, Hennepin Canal Parkway State Park

Multiple Counties
All Fish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Herrick Lake, DuPage County Forest Preserve District

DuPage County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Hidden Springs State Forest Ponds, Hidden Springs State Forest

Shelby County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Highland Old City Lake, City of Highland

Madison County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Hillsboro Old City Lake, City of Hillsboro

Montgomery County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Hammer Lake, Champaign County Forest Preserve District

Champaign County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Hornel Ponds, Donnelly State Fish and Wildlife Area

Bureau County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Horseshoe Lake-Alexander Co., Horseshoe Lake Conservation Area

Alexander County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Horton Lake, Nauvoo State Park

Hancock County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Humbolt Park Lagoon, Chicago Park District

Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Ill. Dept. of Transportation Lake, State of Illinois

Sangamon County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Illinois & Michigan Canal, State of Illinois

Grundy/LaSalle Counties
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Illinois Beach State Park Ponds, Illinois Beach State Park

Lake County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Jackson Park (Columbia Basin) Lagoon, Chicago Park District

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State Park
Henry County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Jones Park Lake, City of East St. Louis
St. Clair County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Jones State Lake, Saline County Conservation Area
Saline County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Jubilee College State Park Ponds, Jubilee College State Park
Peoria County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Kaskaskia River & all tributaries, State of Illinois
Multiple Counties
Walleye, Sauger, or Hybrid
Walleye
- 14" Minimum Length Limit
- Kendall Co. Lake #1, Kendall County Forest Preserve District
Kendall County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Kickapoo State Park Lakes & Ponds, Kickapoo State Park
Vermilion County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Kinkaid Lake, Kinkaid Lake State Fish and Wildlife Area
Jackson County
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
- 18" Minimum Length Limit
- 36" Minimum Length Limit
- 14" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Lake Atwood, McHenry County Conservation District
McHenry County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Lake Bloomington, City of Bloomington
McLean County
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye
- 15" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Lake Carlton, Morrison-Rockwood State Park
Whiteside County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 36" Minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit
- Lake Co. Forest Preserve District Lakes, Lake County Forest Preserve District
Lake County
All Fish
Channel Catfish
Large Smallmouth Bass (14)
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Lake Decatur, City of Decatur
Macon County
All Fish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- Lake Eureka, City of Eureka
Woodford County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 2 Fish <15" &/or 1 Fish >or= 15" Daily (25)
- Lake George, Loud Thunder Forest Preserve

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Rock Island County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

Pure Muskellunge

- 36" Minimum Length Limit

Walleye, Sauger, or Hybrid

- 14" Minimum Length Limit

Walleye

- 14" Minimum Length Limit
- Lake Glendale, Shawnee National Forest

Pope County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit
- Lake Jacksonville, City of Jacksonville

Morgan County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit

Striped, White, or Hybrid

- 17" Minimum Length Limit

Striped Bass

- 3 Fish Daily Creel Limit

Striped, White, or Hybrid

- 25 Fish Daily Creel Limit

White, Black, or Hybrid

- 9" Minimum Length Limit

Crappie

- 9" Minimum Length Limit

White, Black, or Hybrid

- 9" Minimum Length Limit

Crappie

- 9" Minimum Length Limit
- Lake Kakusha, City of Mendota

LaSalle County

All Fish

- 2 Pole and Line Fishing Only (1)

Bluegill or Redear Sunfish (14)

- 10 Fish Daily Creel Limit

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

Large or Smallmouth Bass (14)

- 3 Fish Daily Creel Limit

White, Black, or Hybrid

- 10 Fish Daily Creel Limit

Crappie (15)

- 10 Fish Daily Creel Limit
- Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park

Stephenson County

All Fish

- 2 Pole and Line Fishing Only (1)

Bluegill or Redear Sunfish (14)

- 10 Fish Daily Creel Limit

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass (14)

- 1 Fish Daily Creel Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

Walleye, Sauger, or Hybrid

- 14" Minimum Length Limit

Walleye

- 14" Minimum Length Limit

White, Black, or Hybrid

- 25 Fish Daily Creel Limit

Crappie (15)

- 25 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Lake Mendota, City of Mendota

LaSalle County

Channel Catfish

- 6 Fish Daily Creel Limit
- Lake Michigan (Illinois Portion), State of Illinois

Lake/Cook Counties

Trout and Salmon

- 10" Minimum Length Limit

No More Than 3 Fish of Any One Species Daily, Except for Lake Trout

- 2 Fish Daily Creel Limit
- Lake Trout

- 2 Fish Daily Creel Limit
- Lake Milliken, Des Plaines Conservation Area

Will County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit
- Lake Mingo & Ponds Kennekuk Cove Park, Vermilion County Conservation Area

Vermilion County

All Fish

- 2 Pole and Line Fishing Only (1)

Bluegill or Redear Sunfish (14)

- 25 Fish Daily Creel Limit

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit

Walleye, Sauger, or Hybrid

- 14" Minimum Length Limit

Walleye

- 14" Minimum Length Limit
- Lake Murphysboro, Lake Murphysboro State Park

Jackson County

All Fish

- 2 Pole and Line Fishing Only (1)

Bluegill or Redear Sunfish (14)

- 25 Fish Daily Creel Limit

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit
- Lake Nellie, City of St. Elmo

Fayette County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit
- Lake of the Woods & Elk's Pond, Champaign County Forest Preserve District

Champaign County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

Large or Smallmouth Bass (14)

- 1 Fish Daily Creel Limit
- Lake Olson, Rock Cut State Park

Winnebago County

All Fish

- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Lake Paradise & Shadow Ponds, City of Mattoon
Coles County
All Fish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit

Lake Paradise Shadow Ponds, City of Mattoon
Coles County
Channel Catfish
- 6 Fish Daily Creel Limit

Lake Sara, City of Effingham
Effingham County
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 14" Minimum Length Limit
- 14" Minimum Length Limit

Lake Shelbyville (21), U.S. Army Corps of Engineers
Moultrie/Shelby Counties
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
- 14" Minimum Length Limit
- 14" Minimum Length Limit

White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 25 10 Fish Daily Creel Limit
- 9 10" Minimum Length Limit

Lake Shelbyville Ponds & Woods Lake, Lake Shelbyville State Fish and Wildlife
Area
Moultrie/Shelby Counties
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Lake Springfield, City of Springfield
Sangamon County
All Fish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 2 Pole and Line Fishing Only (1)
- 15" minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit

Lake Storey, City of Galesburg
Knox County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
Walleye, Sauger, or Hybrid
Walleye (14)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Lake Sule, Flagg-Rochelle Park District
Ogle County
All Fish
Channel Catfish
Pure Muskellunge
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 36" Minimum Length Limit

Lake Taylorville, City of Taylorville
Christian County
Large or Smallmouth Bass
White, Black, or Hybrid
Crappie
Crappie (15)
- 15" Minimum Length Limit
- 9" Minimum Length Limit
- 25 Fish Daily Creel Limit

Lake Vandalia, City of Vandalia
Fayette County
All Fish
Channel Catfish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Lake Vermilion, Vermilion County Conservation District
Vermilion County
All Fish
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (26)
- 15" Minimum Length Limit (23)
- 36" Minimum Length Limit (23)
- 14" Minimum Length Limit (23)

Lake Williamsville, City of Williamsville
Sangamon County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

LaSalle Lake, LaSalle Power Station
LaSalle County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

All Fish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 1 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 10 Creel/3 Fish 17" or Longer
Daily (17)

Lincoln Log Cabin Pond, Lincoln Log Cabin Historical Site
Coles County

All Fish
- 2 Pole and Line Fishing Only (1)

Lincoln Park North Lagoon, Chicago Park District
Cook County

All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Lincoln Park South Lagoon, Chicago Park District
Cook County

All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Lincoln Trail Lake, Lincoln Trail State Park
Clark County

All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Little Black Slough, Little Black Slough State Natural Area
Johnson County

All Fish
All Fish
- 2 Pole and Line Fishing Only (1)
- No Seines

Little Cedar Lake, Shawnee National Forest
Jackson County

All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Little Grassy Lake, U.S. Fish and Wildlife Service
Williamson County

All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Little Sister Lake, County of Fulton
Fulton County

All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit
- 3 Fish Daily Creel Limit
- 15" minimum Length Limit
- 3 Fish Daily Creel Limit
- 3 Fish Daily Creel Limit

Lower Cache River, Lower Cache River State Natural Area
Pulaski/Johnson Counties

All Fish
All Fish
- 2 Pole and Line Fishing Only (1)
- No Seines

Lyerla Lake, Union County Conservation Area
Union County

All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Macon County Conservation District Ponds, Macon County Conservation District
Macon County

All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Maple Lake, Cook County Forest Preserve District
Cook County

All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Marquette Park Lagoon, Chicago Park District
Cook County

All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Marshall County Conservation Area (Fishing Ditch), Marshall County
Conservation Area
Marshall County

All Fish
- 2 Pole and Line Fishing Only (1)

Mattoon Lake, City of Mattoon
Coles County

All Fish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit

Mazonia-Braidwood Lakes & Ponds, Mazonia-Braidwood State Fish and Wildlife Area
Grundy/Will Counties

All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye
White, Black or Hybrid
Crappie (15)
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit

McCullom Lake, City of McHenry
McHenry County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

McKinley Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

McLeansboro City Lakes, City of McLeansboro
Hamilton County
All Fish
Channel Catfish
Large or Smallmouth Bass
14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Mermet State Lake, Mermet Lake Conservation Area
Massac County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Middle Fork Forest Preserve Ponds, Champaign County Forest Preserve
Champaign County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Mill Creek Lake, Clark County Park District
Clark County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 14" Minimum Length Limit

Miller Park Lake, City of Bloomington
McLean County
All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Channel Catfish
- 6 Fish Daily Creel Limit

Mineral Springs Park Lagoon, City of Pekin
Tazewell County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Mississippi River (between IL & IA), State of Illinois
Multiple Counties
Large or Smallmouth Bass
Northern Pike
Walleye and Sauger (14)
Walleye
- 14" Minimum Length Limit
- 5 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit (24)
- 15" Minimum Length Limit

Mississippi River (between IL & MO), State of Illinois
Multiple Counties
Northern Pike
Walleye and Sauger (14)
- 1 Fish Daily Creel Limit
- 8 Fish Daily Creel Limit

Monroe Reservoir, Will County Forest Preserve District
Will County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit

Montrose Lake, City of Montrose
Cumberland County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Mt. Olive City Lakes, City of Mt. Olive
Macoupin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Mt. Sterling Lake, City of Mt. Sterling
Brown County
Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Mundelein Park Dist. (Diamond Lake & Park Ponds), City of Mundelein
Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Nashville City Lake, City of Nashville
Washington County

- All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass

New-Baker-Ptagg-Rochette-Park-District
Ogle County

- All Fish
- 2-Pole-and-line-Fishing-Only-(1)
- 6-Fish-Daily-Creel-Limit
- 36"-Minimum-Length-Limit
- Channel-Catfish
- Pure-Muskellunge

Newton Lake, Newton Lake State Fish and Wildlife Area
Jasper County

- All Fish
- 2 Pole and Line Fishing Only (1)
- 18" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Large or Smallmouth Bass (14)
- Walleye, Sauger, or Hybrid
- Walleye
- 14" Minimum Length Limit
- White, Black, or Hybrid
- Crappie (15)
- White, Black, or Hybrid
- Crappie
- 10" Minimum Length Limit

Oakland City Lake, City of Oakland
Coles County

- All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass

One Horse Gap Lake, Shawnee National Forest

- Callatin County
- All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Channel Catfish

Otter Lake, Otter Lake Water Commission
Macoupin County

- Large or Smallmouth Bass
- 15" Minimum Length Limit
- Striped, White, or Hybrid
- 17" Minimum Length Limit
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- 3 Fish Daily Creel Limit
- Pure Muskellunge
- 36" Minimum Length Limit

Palmyra City Lake & Terry Park Pond, City of Palmyra

- Macoupin County
- All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Channel Catfish

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Pana Lake, City of Pana
Shelby and Christian Counties

- All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass

Paris East & West Lakes, City of Paris
Edgar County

- All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass

Peelman Lake, Kickapoo State Park
Vermilion County

- Large or Smallmouth Bass
- 14" Minimum Length Limit

Pierce Lake, Rock Cut State Park
Winnebago County

- All Fish
- 2 Pole and Line Fishing Only (1)(8)
- Bluegill or Redear Sunfish (14)
- 5 Fish Daily Creel Limit
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass (14)
- 1 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 14" Minimum Length Limit
- Pure Muskellunge
- 36" Minimum Length Limit
- Walleye, Sauger, or Hybrid
- Walleye
- 14" Minimum Length Limit
- White, Black, or Hybrid
- 25 Fish Daily Creel Limit
- Crappie (15)

Piscasaw Creek, State of Illinois
McHenry County

- Trout
- 9" Minimum Length Limit

Pittsfield City Lake, City of Pittsfield
Pike County

- Large or Smallmouth Bass
- 14" Minimum Length Limit
- Striped, White, or Hybrid
- Striped Bass
- 17" Minimum Length Limit
- Striped, White, or Hybrid
- Striped Bass (16)
- 3 Fish Daily Creel Limit
- Walleye, Sauger, or Hybrid
- Walleye
- 14" Minimum Length Limit

Pocahontas Park Pond, City of Pocahontas
Bond County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit

Pounds Hollow Lake, Shawnee National Forest

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Gallatin County
All Fish
Channel Catfish
- Powerton Lake, Powerton Lake Fish and Wildlife Area
Tazewell County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Walleye, Sauger, or Hybrid
Walleye (14)
Walleye, Sauger, or Hybrid
Walleye
- Pratt Wayne Woods Lakes, DuPage County Forest Preserve
DuPage County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Pyramid State Park Lakes & Ponds, Pyramid State Park
Perry County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Ramsey Lake, Ramsey Lake State Park
Fayette County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit
- Randolph County Lake, Randolph County Conservation Area
Randolph County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

DEPARTMENT OF CONSERVATION

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- Red Hills Lake, Red Hills State Park
Lawrence County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Rend Lake, (22) U.S. Army Corps of Engineers
Franklin County
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass (16)
Yellow Bass
- 14" Minimum Length Limit
- 10 Creel/3 Fish 17" or Longer Daily (17)
- 10 Creel/3 Fish 17" or Longer Daily (17)
- Rend Lake Project Ponds, U.S. Army Corps of Engineers
Franklin County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Ridge Lake, Fox Ridge State Park
Coles County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- Riis Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Rock River Main Stem Only, State of Illinois
Multiple Counties
Large or Smallmouth Bass
Walleye, Sauger, and Hybrid
Walleye
- 12" Minimum Length Limit
- 14" Minimum Length Limit
- Roodhouse Park Lake, City of Roodhouse
Green County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Sam Dale Cons. Area Lake & Ponds, Sam Dale Conservation Area
Wayne County
All Fish
- 2 Pole and Line Fishing Only (1)

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Channel Catfish
Large or Smallmouth bass

- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Sam Parr Lake, Sam Parr State Park
Jasper County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Sam Parr Lake, Sam Parr State Park
Jasper County
All Fish

Sand Lake, Illinois Beach State Park
Lake County

- 6 Fish Daily Creel Limit
- ~~14~~ 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth Bass (14)

Sangchris Lake, Sangchris Lake State Park
Christian/Sangamon Counties

All Fish
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 2 Fish <15" &/or 1 Fish >or
=15 " Daily (25)

White, Black, or Hybrid Crappie (15)
White, Black, or Hybrid Crappie
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit

Sangchris Lake Park Ponds, Sangchris Lake State Park
Sangamon County

- 2 Pole and Line Fishing Only (1)

Schuyler-Rush Lake, City of Rushville
Schuyler County

Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
Walleye	
White, Black, or Hybrid	- 9" Minimum Length Limit
Crappie	

Senior Citizen's Pond, Kankakee River State Park
Kankakee County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Shabbona Lake, Shabbona Lake State Park
DeKalb County

- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass (14)
- Large or Smallmouth Bass
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 36" Minimum Length Limit

Walleye
White, Black, or Hybrid
Crappie (15)

Shawnee National Forest Lakes & Ponds, Shawnee National Forest
Multiple Counties

- 2 Pole and Line Fishing Only (1)

- 6 Fish Daily Creel Limit

All Fish

Channel Catfish

Shawnee National Forest Lakes & Ponds less than 10 acres, U.S. Forest Service
Multiple Counties
Largemouth Bass
- 12" Minimum Length Limit

Sherman Park Lagoon, Chicago Park District

Cook County
All Fish
Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Siloam Springs Lake, Siloam Springs State Park

Adams County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Silver Lake (Highland), City of Highland

Madison County

Walleye, Walleye	Sauger, or Hybrid	14" Minimum Length Limit
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9
10	10	10
11	11	11
12	12	12
13	13	13
14	14	14
15	15	15
16	16	16
17	17	17
18	18	18
19	19	19
20	20	20
21	21	21
22	22	22
23	23	23
24	24	24
25	25	25
26	26	26
27	27	27
28	28	28
29	29	29
30	30	30
31	31	31
32	32	32
33	33	33
34	34	34
35	35	35
36	36	36
37	37	37
38	38	38
39	39	39
40	40	40
41	41	41
42	42	42
43	43	43
44	44	44
45	45	45
46	46	46
47	47	47
48	48	48
49	49	49
50	50	50
51	51	51
52	52	52
53	53	53
54	54	54
55	55	55
56	56	56
57	57	57
58	58	58
59	59	59
60	60	60
61	61	61
62	62	62
63	63	63
64	64	64
65	65	65
66	66	66
67	67	67
68	68	68
69	69	69
70	70	70
71	71	71
72	72	72
73	73	73
74	74	74
75	75	75
76	76	76
77	77	77
78	78	78
79	79	79
80	80	80
81	81	81
82	82	82
83	83	83
84	84	84
85	85	85
86	86	86
87	87	87
88	88	88
89	89	89
90	90	90
91	91	91
92	92	92
93	93	93
94	94	94
95	95	95
96	96	96
97	97	97
98	98	98
99	99	99
100	100	100

Silver Springs S.P. Lake & Ponds, Silver Springs State Park

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area
Knox County

All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Barge or Smatmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
---1 Fish more than 15 in. or less
than 12 in. Daily (12)

Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) 3 Fish Daily Creel Limit

Pure Muskellunge
Walleye, Sauger, or Hybrid

Walleye (14)	Fish Daily Creel Limit
Walleye, Saugee, or Hybrid	

Walleye 14" Minimum Length Limit

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White, Black, or Hybrid
Crappie (15)

Sparta City Lakes, City of Sparta
Randolph County
All Fish
Channel Catfish
Large or Smallmouth Bass

Spring Lake, City of Macomb
McDonough County
All Fish
Channel Catfish
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)

Spring Lake (North & South), Spring Lake Conservation Area
Tazewell County
All Fish
Channel Catfish
Large or Smallmouth Bass
Pure Muskellunge
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie

St. Elmo South Lake, City of St. Elmo
Fayette County
All Fish
Channel Catfish

Staunton City Lake, City of Staunton
Macoupin County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)

Sterling Lake, Lake County Forest Preserve District
Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid

- 5 Fish Daily Creel Limit

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

- 17" Minimum Length Limit

- 3 Fish Daily Creel Limit

- 2 Pole and Line Fishing Only (1)(7)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 36" Minimum Length Limit

- 25 Fish Daily Creel Limit

- 9" Minimum Length Limit

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

- 2 Pole & Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 36" Minimum Length Limit

Walleye
- 14" Minimum Length Limit

Tampier Lake, Cook County Forest Preserve
Cook County
All Fish
Channel Catfish
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only
- 6 Fish Daily Creel Limit
- 16" Minimum Length Limit

Tecumseh Lake, Shawnee National Forest
Hardin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area
Hamilton/Jefferson Counties
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Tomahawk Lake, Moraine Hills State Park
McHenry County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Tremont Ponds, Village of Tremont, Tazewell County
Tazewell County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Turner Lake, Chain O'Lakes State Park
Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Tuscola City Lake, City of Tuscola
Douglas County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Valley Lake, Wildwood Park District
Lake County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

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Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Vandalia Correctional Facility Ponds, State of Illinois
 Fayette County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Vanhorn Woods Pond, Plainfield Park District
 Will County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Vernor Lake, City of Olney
 Richland County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Villa Grove East Lake, City of Villa Grove
 Douglas County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Villa Grove West Lake, City of Villa Grove
 Douglas County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Virginia City Reservoir, City of Virginia
 Cass County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit

Visitor-Pond-Grab-Orchard-NWR7-U-S--Fish-and-Wildlife-Service
 Williamson-County
 Large-or-Smallmouth-Bass --2 1/2" Minimum-length-limit

Walnut Point Lake, Walnut Point State Fish and Wildlife Area
 Douglas County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 12-15" Slot Length Limit (3)

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Walton Park Lake, City of Litchfield
 Montgomery County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Warrior Lake, Moraine Hills State Park
 McHenry County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Washington County Lake, Washington County Conservation Area
 Washington County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Striped, White, or Hybrid - 17" Minimum Length Limit
 Striped Bass - 17" Minimum Length Limit
 Striped, White, or Hybrid - 3 Fish Daily Creel Limit
 Striped Bass (16)

Washington Park Lagoon, Chicago Park District
 Cook County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Waverly Lake, City of Waverly
 Morgan County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit

Weinberg-King Pond, Weinberg-King State Park
 Schuyler County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Weldon Springs Lake, Weldon Springs State Park
 DeWitt County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" minimum Length Limit

West Frankfort New City Lake, City of West Frankfort
 Franklin County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

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West Frankfort Old City Lake, City of West Frankfort
Franklin County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

White Hall City Lake, City of White Hall
Green County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Whoopie Cat Lake, Shawnee National Forest
Hardin County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Wilderness Lake, Moraine Hills State Park
McHenry County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Wilderness Pond, Fox Ridge State Park
Coles County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Wolf Lake, William W. Powers Conservation Area
Cook County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit

Woodford Co. Cons. Area (Fishing Ditch), Woodford County Conservation Area
Woodford County

- 2 Pole and Line Fishing Only (1)

Wyman Lake, City of Sullivan
Moultrie County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

(Source: Amended at 17 Ill. Reg. 3853, effective
March 15, 1993)

Section 810.60 Bullfrogs

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

a) Statewide Regulations.

- 1) Bullfrogs may be taken by hand, pole and line fishing methods, pitchfork, landing net, bow and arrow or bow and arrow device, spear or gig. A landing net is defined as a hand-held net with no greater than 1.5 inch bar measurement netting, an opening of not greater than 5 feet in diameter, and a handle.
 - 2) No person shall take bullfrogs by commercial fishing devices including dip nets, hoop nets, traps, or seines, or by the use of firearms, airguns or gas guns.
 - 3) The season is June 15 to August 31, both dates inclusive.
 - 4) The daily limit is 8; the possession limit is 16. Persons taking bullfrogs must have a valid sport fishing license or combination hunting and fishing license.
- b) Site Specific Regulations.
Bullfrogs may be taken in accordance with Statewide Regulations, Section 810.60 (a) above, on waters owned, managed or leased by the Department of Conservation.

(Source: Amended at 17 Ill. Reg. 3853, effective
March 15, 1993)

Section 810.70 Free Fishing Days

During the period of June 5-6-7-8-9-10-11-12-13 and 14, 1993, it shall be legal for any person to fish in waters wholly or in part within the jurisdiction of the State, including the Illinois portion of Lake Michigan, without possessing a sport fishing license or salmon stamp.

(Source: Amended at 17 Ill. Reg. 3853, effective
March 15, 1993)

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Client Financial Participation
- 2) Code Citation: 89 Ill. Adm. Code 562
- 3) Section Numbers: Adopted Action:
562.20 Amendment
562.30 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(a), (b), and (k) (20 ILCS 2405/3 (a), (b), and (k)).
- 5) Effective Date of Rule(s) (Amendments, Repealer): March 15, 1993
- 6) Does this rulemaking contain an automatic repeal date?
Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 3, 1993
- 9) Notice of Proposal Published in Illinois Register:
September 18, 1992, 16 Ill. Reg. 14189
(issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
- A) Statement of Objection: (issue date), Ill. Reg. _____
- B) Agency Response: (issue date), Ill. Reg. _____
- C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Section Numbers Proposed Action Illinois Register Citation
Summary and Purpose of Rule(s): 562.20 is amended to clarify that a recipient of SSI benefits who is a minor, or has a guardian is exempt from the financial analysis regardless of the financial situation of his/her parent/guardian.
562.30 is amended to clarify the exemption of fees for training (89 Ill. Adm. Code 562.30(a)(4)) and to add instruction provided by a Rehabilitation Instructor and Mobility Instructor to the list of services exempt from the financial analysis.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:
Ms. Susan Warrner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D./T.T.: (217) 785-9301
- The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 562
CLIENT FINANCIAL PARTICIPATION

Section	
562.10	General Applicability
562.20	Exclusions from Economic Needs Test
562.30	Financial Participation
562.40	Parental or Guardian Participation in Completing the Financial Analysis Form
562.50	Client Emancipation (Repealed)
562.60	Consideration of Settlements from Litigation or Other Sources
562.70	Refusal to Financially Participate
562.80	Timing of Financial Analysis
562.90	Annual Review of Financial Analysis
562.100	Exclusion for Public Aid Recipients (Repealed)
Table A	Determination Table for Client Participation

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3434(a),(b), and (k) (20 ILCS 2405/3 (a), (b), and (k))).

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19127, effective November 9, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 13 Ill. Reg. 2866, effective February 17, 1989; amended at 14 Ill. Reg. 1466, effective January 8, 1990; amended at 14 Ill. Reg. 18555, effective November 5, 1990; amended at 15 Ill. Reg. 10179, effective June 24, 1991; amended at 15 Ill. Reg. 18750, effective December 17, 1991; amended at 17 Ill. Reg. 3895, effective March 15, 1993.

Section 562.20 Exclusions from Economic Needs Test

The economic needs test shall be presumptively met by clients who are recipients of benefits from state or federal welfare programs, e.g., Aid to Families with Dependent Children, Supplemental Security Income (SSI), General Assistance and food stamps. The economic needs test shall also be presumptively met by a dependent of a recipient of such benefits. DORS shall require proof that a client is a recipient, or dependent of a

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

recipient, of such benefits. A copy of a check or award letter or food stamp book, as appropriate, from the Illinois Department of Public Aid, the Social Security Administration or General Assistance Office shall be attached to the Client's Financial Analysis (IL 488-0265). SSI eligibility precludes the need to complete a financial analysis for a client who is a minor, regardless of the income status of his/her parents/guardians.

(Source: Amended at 17 Ill. Reg. 3895, effective March 15, 1993)

Section 562.30 Financial Participation

- a) If the economic needs test has not been presumptively met, a financial analysis to evaluate the financial ability of the client, or client's family, to share in the purchase of vocational rehabilitation services shall be applied to all Department of Rehabilitation Services (DORS) services (as contained in 89 Ill. Adm. Code: Chapter IV, Subchapter b, "Vocational Rehabilitation" (VR)) except the following:

- 1) evaluation of rehabilitation potential, (although VR services other than diagnostic services provided during extended evaluation require application of the financial analysis),
- 2) counseling, guidance, referral and placement (89 Ill. Adm. Code 612),
- 3) interpreter, reader, attendant, and note taker services,
- 4) fees for work-adjustment training (i.e., work adjustment, skills, employment) (89-III-Adm.-Code-530-i30(e)) through any approved rehabilitation facility (89 Ill. Adm. Code 530); including the work/study component of the nine month hearing impaired pre-vocational program at Northern Illinois University,
- 5) fees for on-the-job training (OJT),
- 6) services provided through the supported employment program (89 Ill. Adm. Code 530.130(a)(2)(B))(e.g., job coaching), and

DEPARTMENT OF REHABILITATION SERVICES

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7) instruction provided by Rehabilitation Instructors and Mobility Instructors in the area of:A) activities of daily living;B) communication skills;C) adjustment counseling; andD) mobility instruction; and

78) "maintenance" (89 Ill. Adm. Code 602) and "other services" (89 Ill. Adm. Code 607) which are in support of an exempt service specified in subsections (a)(1) through (47) above.

b) When the financial analysis indicates that the client or spouse, or parents or guardians of minor children are able to financially participate in the client's program, their participation is required.

c) The financial analysis is based upon net available income, which is the client's and/or family unit's total income, minus total outgo.

1) Total income equals earned and unearned income plus any increases or decreases expected by the client for the twelve (12) months following completion of the Financial Analysis form (IL488-0265).

2) Total outgo equals the Standard Budget Allowance plus unusual allowable expenses which the client expects to pay within the twelve (12) months following the completion of the Financial Analysis form.

3) Net available income determines the dollar amount of client participation. (See Table A.)

4) The client is not required to use private monetary merit awards (e.g. scholarships), contributions and gifts which are unrestricted as to use.

d) For the purposes of completing the Financial Analysis form, determining if economic need exists, and determining the amount of client participation, the following definitions/terms are applicable:

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1) The "Family Unit" refers to the client or spouse or parents or legal guardians of minor children, or other family members residing in the household who are designated as dependents on the client's, spouse's, or guardian's latest federal income tax return.

2) "Income" utilizes the definition of gross adjusted income as used by the U.S. Internal Revenue Service (26 CFR 1.62-1(a), (1986)) and as documented by the client's (or client's family's) most recent federal income tax return. The rule incorporated by reference does not include any later amendments or revisions. A copy of the page from the most recent federal income tax return showing adjusted gross income shall be attached to the Client's Financial Analysis (IL 488-0265).

3) The "Standard Budget Allowance" (SBA) is the figure established by DORS to be a reasonable amount to cover all necessary expenses for a family unit of a specific size to maintain a modest standard of living.

4) "Unusual Allowable Expenses" are:

A) prescription medication(s) to treat a physical/mental condition on an ongoing basis. Only those costs exceeding \$100 per year, paid by the client and not covered by insurance or other sources, are allowable;

B) medically prescribed diets required to treat a physical condition. Only the costs of dietary foods not found in a grocery store are allowable;

C) costs of disability related medical supplies and prescribed medical services paid by the client and not covered by insurance or other sources;

D) post-secondary education expenses paid by a parent/guardian for another family member if the individual is claimed as a dependent on the latest federal income tax return;

DEPARTMENT OF REHABILITATION SERVICES

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- E) expenses related to the purchase of a van, as set forth in 89 Ill. Adm. Code 597.200(b); or
- F) modifications (not to exceed \$2,000 per year) to a home if necessary (as determined when the counselor and client develop the Individualized Written Rehabilitation Program (IWRP) at (89 Ill. Adm. Code 572) due to client's disability.

e) Standard Budget Allowance

- 1) The Standard Budget Allowance is as follows:

NUMBER OF DEDUCTIONS CLAIMED ON TAX RETURN

\$ AMOUNT OF ALLOWANCE

1	12,247
2	16,428
3	20,609
4	24,790
5	28,971
6	33,152
7	37,333
8	41,514

- 2) Add \$4,181 for each additional family member beyond eight members.

- 3) The SBA amount for a family of one is not applicable to a training case (89 Ill. Adm. Code 592); instead, determine the client's planned subsistence costs during a training program and use these as the budget basis.

(Source: Amended at 17 Ill. Reg. 3895, effective March 15, 1993)

ILLINOIS COMMERCE COMMISSION

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Promotional Practices of Gas and Electric Utilities
- 2) Code Citation: 83 Ill. Adm. Code 275
- 3) Section Numbers: 275.20
- 4) Date Proposal published in Illinois Register:
June 5, 1992, at 16 Ill. Reg. 8269
- 5) Date Adoption published in Illinois Register:
January 4, 1993, at 17 Ill. Reg. 98
- 6) Date Request for Expedited Correction published in Illinois Register:
February 16, 1993, at 17 Ill. Reg. 2075
- 7) Adoption Effective Date: January 1, 1993
- 8) Correction Effective Date: January 1, 1993
- 9) Reason for Approval of Expedited Correction: At its meeting of February 17, 1993, the Joint Committee on Administrative Rules determined that the corrective language meets the requirements and serves the purposes of Section 5-85 of the Illinois Administrative Procedure Act.

Phillip M. Gonet March 12, 1993
Phillip M. Gonet
Executive Director
Illinois Commerce Commission

The full text of the Corrected Amendment begins on the following page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF EXPEDITED CORRECTION

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 275

PROMOTIONAL PRACTICES OF ELECTRIC AND GAS PUBLIC UTILITIES

Section

275.10 Scope and Application

275.20 Definitions

275.30 Promotional Practices or Allowances Prohibited

275.30 Standards Governing Promotional Practices and Allowances

275.40 Filing of Present Promotional Practices and Allowances

275.50 With and Approved by the Commission

275.60 Filing of Proposed Promotional Practices and Allowances

275.70 Filing of Annual Report

275.80 Retroactive Effect

275.90 Right to Amend

275.100 Powers of Suspension

AUTHORITY: Implementing Sections 4-101 and 7-205 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 4-101, 7-205, and 10-101)[220 ILCS 5/4-101, 7-205, and 10-101].

SOURCE: Effective May 1, 1969; codified at 8 Ill. Reg. 7601; amended at 17 Ill. Reg. 98, effective January 1, 1993; expedited correction at 17 Ill. Reg. 3902, effective January 1, 1993.

Section 275.20 Definitions

As used herein, the term:

a) "Affiliate of a Public Utility" shall include any individual or corporation which directly or indirectly controls, or is controlled by, or is under common control with, a public utility;

b) "Electric and Gas Public Utility" shall have the meaning assigned to it in Section 3-105 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, par. 3-105)[220 ILCS 5/3-105];

ILLINOIS COMMERCE COMMISSION

NOTICE OF EXPEDITED CORRECTION

c) "Promotional Practices or Allowances" shall mean:

1) Any payment, donation, gift, subsidy, conveyance, transfer or other consideration (whether in cash, property, merchandise, labor or as a guarantee) granted to any group, corporation or individual for the purpose or evident design of inducing the recipient to:

A) Purchase, select or use the service or additional service of the public utility;

B) Purchase or install equipment, facilities or appliances designed to use such utility service;

C) Specify the purchase or installation of equipment, facilities or appliances designed to use such utility service.

2) Subsections (c)(1)(A) through (c)(1)(C) above shall include, without limitation:

A) Free, or less than cost, installation, operation, repair, modification or maintenance of equipment, facilities or appliances of any other person;

B) Free, or less than cost, public utility service;

C) Free, or less than cost, non-utility professional service except payments to architects or engineers for feasibility studies made on behalf of the utilities;

D) Payment of cash or other considerations to architects, builders, subdividers, developers or others in the same category for work done on property not owned by the utility;

E) Less than cost financing of the purchase price of equipment, facilities or appliances;

F) Guarantees as to the maximum amount of bills for utility service;

ILLINOIS COMMERCE COMMISSION

NOTICE OF EXPEDITED CORRECTION

- G) Financing assistance -- the extension of credit, making of a loan or investment, directly or indirectly, to any group, corporation or individual by any means whatsoever including, without limitation, loans, advances, guarantees, investments, leases, sale and repurchase or sale and lease-back agreements, sales on open account and conditional or installment sales contracts;
 - H) Discounts or allowances (including trade-in allowances, cash, merchandise or labor) for the purchase or service of air conditioning or heating equipment, stoves, refrigerators, washing machines, dryers or other appliances;
 - I) Installation of free, or less than cost, wiring, piping or other facilities on the customer's side of a service entrance;
 - J) Advertising or contributing to advertising on account of a customer or potential user of the utility's service.
- 3) Exceptions: Notwithstanding the foregoing definitions, the following shall not be considered as a promotional practice or allowance:
- A) Making emergency repairs to equipment, facilities or appliances of customers;
 - B) Offering allowances or financing assistance to employees of the utility to encourage employees' use of the utility's service;
 - C) Ownership by the utility of equipment for the utilization of its service when such ownership is incidental to demonstrations of sixty days or less in duration;
 - D) Providing light bulbs, street or outdoor lighting service, service pipe or other service equipment or facilities, in accordance with rate schedules filed with and approved by the Commission;

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NOTICE OF EXPEDITED CORRECTION

- E) Providing appliances to an educational institution for the purpose of instructing students in the use of such appliances;
- F) Selling household appliances at retail and, in connection therewith, the holding of inventories, making and fulfillment of reasonable warranties against defects in material and workmanship existing at the time of delivery and the extension of credit, provided that the effective rate of interest on any deferred payments and the terms with respect thereto shall not be more favorable than those generally applicable to sales by non-utility dealers in such appliances, and provided that no such sale be made by the utility below its invoice cost and that no trade-in allowance in excess of market value may be made;
- G) Any action consistent with such rules as the Commission may, from time to time, adopt with respect to standards of service, local ordinances, franchises and contributions;
- H) As of January 1, 1994, practices or allowances which are part of a program designed to utilize economical means of conservation, non-conventional technologies relying on renewable energy resources, cogeneration, and improvement in energy efficiency as approved by the Commission as part of a utility's least-cost plan.

(Source: Expedited correction at 17 Ill. Reg. 3902, effective January 1, 1993)

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302. Subpart F, the following water quality criteria as originally published in 15 Ill. Reg. 3334, March 1, 1991, have been revised as follows. This listing constitutes the water quality criteria that have been derived through January 31, 1993. New aquatic life toxicity data has resulted in a change in the acute and chronic criteria for toluene as of January 26, 1993.

Chemical: Benzene

Date criteria derived: August 15, 1990

CAS #71-43-2

Applicable waterbodies: Higgins Creek, Reach No. 07120004-011/off; unnamed tributary to Welsh Creek, Reach No. 07120007-008/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-001/off; Willow Creek, Reach No. 07120004-011/off; unnamed tributary to Melvina Ditch, Reach No. 07120004-008/off; Buffalo Creek, Reach No. 07120004-011/off; unnamed tributary to Illinois River, Reach No. 07130003-003/off; and unnamed ditch to North Branch Chicago River, Reach No. 07120003-003/off.

acute criterion: 5,200 ug/l

chronic criterion: 416 ug/l

Chemical: Chlorobenzene

Date criteria derived: December 11, 1991

CAS #108-90-7

Applicable waterbodies: Kyte River, Reach No. 07090005-010/on; unnamed tributary to Melvina Ditch, Reach No. 07120004-008/off; and unnamed tributary to Illinois River, Reach No. 07130003-003/off.

acute criterion: 993 ug/l

chronic criterion: 79 ug/l

Chemical: Ethyl Benzene

Date criteria derived: August 15, 1990, revised May 17, 1991

CAS #100-41-4

Applicable waterbodies: Unnamed tributary to Coal Creek, Reach No. 07090005-003/off; unnamed tributary to Welsh Creek, Reach No. 07120007-008/off; Higgins Creek, Reach No. 07120004-011/off; unnamed drainage ditch to Saline Branch, Reach No. 05120901-013/off; unnamed tributary to Wiley Creek, Reach No. 07120001-006/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-001; Willow Creek, Reach No. 07120004-011/off; Des Plaines River, Reach No. 07120004-011/on; Fox River, Reach No. 07120006-001/on; unnamed tributary to Little Dry Fork, Reach No. 05120115-001/off; unnamed tributary to Melvina Ditch, Reach No. 07120004-008/off; Buffalo Creek, Reach No. 07120004-011/off; unnamed tributary to Illinois River, Reach No. 07130003-003/off; unnamed ditch to North Branch Chicago River, Reach No. 07120003-003/off; Piles Fork, Reach No. 07140106-005/on; Midlothian Creek, Reach No. 07120003-006/off; unnamed tributary to South Fork Kent Creek, Reach No. 07090005-016/off; Addison Creek, Reach No. 07120004-011/off; Diamond Lake Drain, Reach No. 07120004-011/off;

LISTING OF DERIVED WATER QUALITY CRITERIA

unnamed tributary to the Little Wabash River, Reach No. 05120114-012/off; McDonald Creek, Reach No. 07120004-011/off; Geneseo Creek, Reach No. 07090007-001/off; unnamed tributary Long Creek, Reach No. 07130010-035/off; unnamed tributary Seminary Creek, Reach No. 05120114-023/off; and unnamed tributary Bear Creek, Reach No. 05140204-013/off; Lake Arlington, Reach No. 07120004-011/off; West Fork North Branch Chicago River, Reach No. 07120003-003/off; unnamed tributary to Black Creek, Reach No. 07140204-014/off; Stoney Creek, Reach No. 07120003-005/off; unnamed tributary to South Fork South Henderson Creek, Reach No. 07080104-015/off; North Branch Chicago River, Reach No. 07120003-003/off; Kickapoo Creek, Reach No. 07130009-012/off; unnamed tributary Sugar Creek, Reach No. 05120111-025/off; and Salt Creek, Reach No. 07120004-016/off.

acute criterion: 216 ug/l

chronic criterion: 17.2 ug/l

Chemical: Hydrazine

Date criteria derived: September 13, 1990

CAS #302-01-2

Applicable waterbody: Rock River, Reach No. 07090005-012/on.

acute criterion: 6.2 ug/l

chronic criterion: 0.5 ug/l

Chemical: Toluene

Date criteria derived: August 16, 1990, revised May 17, 1991 and January 26, 1993

CAS #108-88-3

Applicable waterbodies: Higgins Creek, Reach No. 07120004-011/off; unnamed tributary Welsh Creek, Reach No. 07120007-008/off; Lux Creek, Reach No. 07130003-018/off; Wheeling Creek, Reach No. 07120004-011/off; unnamed drainage ditch to Saline Branch, Reach No. 05120901-013/off; unnamed tributary to Wiley Creek, Reach No. 07120001-006/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-006/off; Poplar Creek, Reach No. 07120006-001/off; Des Plaines River, Reach No. 07120004-011/on; Fox River, Reach No. 07120006-001/off; unnamed tributary to Little Dry Fork, Reach No. 05120115-001/off; unnamed tributary to Melvina Ditch, Reach No. 07120004-008/off; Buffalo Creek, Reach No. 07120004-011/off; unnamed tributary to Illinois River, Reach No. 07130003-003/off; unnamed ditch to North Branch Chicago River, Reach No. 07120003-003/off; Piles Fork, Reach No. 07140106-005/on; Midlothian Creek, Reach No. 07120003-006/off; unnamed tributary to South Fork Kent Creek, Reach No. 07090005-016/off; Addison Creek, Reach No. 07120004-011/off; Diamond Lake Drain, Reach No. 07120004-011/off; unnamed tributary to the Little Wabash River, Reach No. 07120004-011/off; McDonald Creek, Reach No. 07120004-011/off; Geneseo Creek, Reach No. 07090007-001/off; unnamed tributary Long Creek, Reach No. 05120114-012/off; unnamed tributary Seminary Creek, Reach No. 05120114-023/off; and unnamed tributary Bear Creek, Reach No. 05140204-013/off; Lake Arlington, Reach No. 07120004-011/off; West Fork North Branch Chicago River, Reach No.

LISTING OF DERIVED WATER QUALITY CRITERIA

07120003-003/off; unnamed tributary to Black Creek, Reach No. 07140204-014/off; Stoney Creek, Reach No. 0712003-005/off; unnamed tributary to South Fork South Henderson Creek, Reach No. 07080104-015/off; North Branch Chicago River, Reach No. 07120003-003/off; Kickapoo Creek, Reach No. 07130009-012/off; unnamed tributary Sugar Creek, Reach No. 05120111-025/off; and Salt Creek, Reach No. 07120004-016/off.

acute criterion: 8,080 ug/l chronic criterion: 646 ug/l

Chemical: Xylenes O-Xylene
p-Xylene
CAS #95-47-6
CAS #106-42-3

Date criteria derived: August 23, 1990

Applicable waterbodies: Higgins Creek, Reach No. 07120004-011/off; unnamed tributary to Welsh Creek, Reach No. 07120007-008/off; Lux Creek, Reach No. 07130003-018/off; Wheeling Creek, Reach No. 07120004-011/off; unnamed drainage ditch to Saline Branch, Reach No. 05120901-013/off; unnamed tributary to Wiley Creek, Reach No. 07120001-006/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-001/off; Willow Creek, Reach No. 07120004-011/off; Des Plaines River, Reach No. 07120004-011/on; Fox River, Reach No. 07120006-001/on; unnamed tributary to Little Dry Fork, Reach No. 05120115-001/off; unnamed tributary to Melvina Ditch, Reach No. 07120004-008/off; Buffalo Creek, Reach No. 07120004-011/off; unnamed tributary to Illinois River, Reach No. 07130003-003/off; unnamed ditch to North Branch Chicago River, Reach No. 07120003-003/off; Piles Fork, Reach No. 07140106-005/on; Midlothian Creek, Reach No. 07120003-006/off; unnamed tributary to South Fork Kent Creek, Reach No. 07090005-016/off; Addison Creek, Reach No. 07120004-011/off; Diamond Lake Drain, Reach No. 07120004-011/off; unnamed tributary to the Little Wabash River, Reach No. 05120114-012/off; McDonald Creek, Reach No. 07120004-011/off; Geneseo Creek, Reach No. 07090007-001/off; unnamed tributary Long Creek, Reach No. 07130010-035/off; unnamed tributary Seminary Creek, Reach No. 05120114-023/off; and unnamed tributary Bear Creek, Reach No. 05140204-013/off; Lake Arlington, Reach No. 07120004-011/off; West Fork North Branch Chicago River, Reach No. 07120003-003/off; unnamed tributary to Black Creek, Reach No. 07140204-014/off; Stoney Creek, Reach No. 0712003-005/off; unnamed tributary to South Fork South Henderson Creek, Reach No. 07080104-015/off; North Branch Chicago River, Reach No. 07120003-003/off; Kickapoo Creek, Reach No. 07130009-012/off; unnamed tributary Sugar Creek, Reach No. 05120111-025/off; and Salt Creek, Reach No. 07120004-016/off.

acute criterion: o-Xylene = 187 ug/l; p-Xylene = 552 ug/l;

combined Xylenes = 1,500 ug/l

chronic criterion: o-Xylene = 15 ug/l; p-Xylene = 22 ug/l;

combined Xylenes = 117 ug/l

LISTING OF DERIVED WATER QUALITY CRITERIA

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher
Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

Upon initial review, it has been determined that the following proposed rules promulgated by state agencies may impact small business:

REVENUE, DEPARTMENT OF

Board of Appeals; 86 Ill. Adm. Code 147
Published March 5, 1993 at 17 Ill. Reg. 2718

Persons wishing to obtain more information concerning the impact on small business may contact:

Linda Brand
Department of Commerce and Community Affairs
Office of Regulatory Assistance
620 East Adams Street - 6th Floor
Springfield, Illinois 62701
(217) 524-1516

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 10, 1993 through March 16, 1993, and have been scheduled for review by the Committee at its April 13, 1993 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/23/93	Department of Commerce and Community Affairs, Repeal of State Administration of the Illinois Neighborhood Corps Program (47 Ill Adm Code 130)	1/4/93 17 Ill Reg 1	4/13/93
4/26/93	Department of Public Aid, Practice in Administrative Hearings (89 Ill Adm Code 104)	1/15/93 17 Ill Reg 540	4/13/93
4/26/93	Treasurer, Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois (74 Ill Adm Code 740)	1/15/93 17 Ill Reg 585	4/13/93
4/26/93	Office of the State Fire Marshal, Fire Equipment Administrative Procedures (41 Ill Adm Code 280)	10/16/92 16 Ill Reg 15665	4/13/93
4/26/93	Pollution Control Board, Major Stationary Sources Construction and Modification (35 Ill Adm Code 203)	12/11/92 16 Ill Reg 18919	4/13/93
4/29/93	Illinois State Toll Highway Authority, State Toll Highway Rules (92 Ill Adm Code 2520)	1/15/93 17 Ill Reg 542	4/13/93

PROCLAMATION

93-075

DARE NIGHT WITH THE AMBUSH

Whereas, the abuse of drugs continues to plague our youth and poses a serious threat to the health and well-being of our state; and

Whereas, the State of Illinois supports drug education through the Illinois Drug Abuse Resistance Education (DARE) Bureau Academy; and

Whereas, the DARE Program promotes self-awareness, enhances self-esteem, and teaches the risks of drug use and the consequences of abuse; and

Whereas, the St. Louis Ambush Professional Indoor Soccer Team recognizes the importance of DARE and saying "No" to drugs;

Therefore, I, Jim Edgar, Governor of Illinois, proclaim March 12, 1993, as DARE NIGHT WITH THE AMBUSH in Illinois.

Issued by the Governor March 4, 1993.

Filed with the Secretary of State March 12, 1993.

93-076

U.S. SURGEON GENERAL'S HISPANIC/
LATINO HEALTH INITIATIVE DAYS

Whereas, the Hispanic/Latino population is rapidly increasing in Illinois; and

Whereas, Hispanics are more likely to be uninsured and face a series of socio-economic and cultural barriers and are less likely to have access to quality health care services; and

Whereas, there is a shortage of bilingual, bicultural health professionals to adequately address the needs of Hispanic/Latino people and their families; and

Whereas, Antonia C. Novello, M.D., M.P.H., was sworn in as the 14th Surgeon General of the U.S. Department of Health and Human Services, Public Health Service; and

Whereas, the U.S. Surgeon General's office has launched some of the most comprehensive Hispanic/Latino health initiatives, including the first 10-state midwest conference on Hispanic/Latino health to be held March 11-12, 1993, in Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 11-12, 1993, as U.S. SURGEON GENERAL'S HISPANIC/LATINO HEALTH INITIATIVE DAYS in Illinois.

Issued by the Governor March 4, 1993.

Filed with the Secretary of State March 12, 1993.

93-077

BIOMEDICAL EQUIPMENT TECHNOLOGY WEEK

Whereas, modern health care relies upon machines as well as

people for the most up-to-date treatment available. Diagnostic instruments such as patient monitors, EKG machines, and laboratory and x-ray equipment help establish the need for care. Therapeutic systems such as anesthesia machines, physical therapy instruments, pacemakers, and radiation devices provide needed services to patients; and

Whereas, the cost of health care can be controlled by effective selection and repair of such medical equipment by qualified clinical engineers and biomedical technicians; and

Whereas, the clinical engineer possesses the education, experience, and competence to participate professionally with physicians, hospital administrators, and other personnel in the technological aspects of health care delivery; and

Whereas, the biomedical technician installs, inspects, repairs, calibrates, and modifies medical devices and medical support systems; advises concerning theory of operation, underlying physiological principles and the practical, safe, clinical application of medical devices; and may supervise biomedical equipment maintenance activities; and

Whereas, the Midwest Biomedical Society is holding a professional symposium March 18-20, 1993;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 14-20, 1993, as BIOMEDICAL EQUIPMENT TECHNOLOGY WEEK in Illinois in recognition of this profession and its important role in health care.

Issued by the Governor March 9, 1993.

Filed with the Secretary of State March 12, 1993.

93-078

CARTHAGE HIGH SCHOOL BLUEGIRLS DAY

Whereas, the Carthage High School Bluegirls won the Class A Girls High School Basketball Championship at Redbird Arena in Bloomington Saturday, March 6, 1993; and

Whereas, the Bluegirls defeated Okawville to win their second straight state championship and finish the year with an outstanding record of 32 wins and 1 loss; and

Whereas, Carthage High School principal Ralph Grimm and coach Dick Biery have guided these gifted female athletes in the classroom, where they show their academic excellence, and on the court where they demonstrate a special athletic prowess; and

Whereas, Coach Biery is retiring from a memorable coaching career, finishing a 19-year stint at Carthage with a record of 419 - 94; and

Whereas, in their four-year careers, the six senior team players have lost a mere three games. They were undefeated during their freshman and sophomore years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 9, 1993, as CARTHAGE HIGH SCHOOL BLUEGIRLS DAY in Illinois and offer my personal congratulations to the team and the community.

Issued by the Governor March 9, 1993.
Filed with the Secretary of State March 12, 1993.

93-079

INDUSTRY APPRECIATION DAY

Whereas, the Illinois Manufacturers' Association (IMA) is celebrating its 100th anniversary; and

Whereas, the Illinois Manufacturers' Association is the oldest and largest manufacturing trade association in the United States, with a current membership of more than 8,000 executives representing 4,800 companies and plants in Illinois; and

Whereas, IMA members employ 75 percent of the state's manufacturing work force or more than 800,000 Illinois citizens; and

Whereas, economists agree that for every 100 new manufacturing jobs, at least 205 additional jobs are created in other sectors of the economy; and

Whereas, on March 10, the IMA will hold a conference to promote jobs for Illinois during its Illinois Industry Appreciation Day; and

Whereas, the conference will give IMA members and guests the opportunity to impress upon lawmakers the importance of a healthy, vibrant, and strong industrial manufacturing climate in the state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 10, 1993, as INDUSTRY APPRECIATION DAY in Illinois in recognition of the contributions of the manufacturing industry to our state.

Issued by the Governor March 9, 1993.

Filed with the Secretary of State March 12, 1993.

93-080

METROPOLITAN PIER AND EXPOSITION AUTHORITY
EMPLOYEE LONGEVITY DAY

Whereas, the Metropolitan Pier and Exposition Authority (MPEA) is a unit of local government charged with the duty to promote, operate, and maintain fairs, expositions, and conventions in the Chicago metropolitan area; and

Whereas, in addition, the MPEA is responsible for promoting recreational, cultural, commercial, or residential development of Navy Pier; and

Whereas, more than four million annual conventions, trade shows, and corporate meeting travelers visit McCormick Place Complex and Navy Pier; and

Whereas, MPEA employees perform a myriad of tasks needed to make meetings and shows run smoothly, consistently helping to enhance the image of the State of Illinois, City of Chicago, McCormick Place Complex, and Navy Pier; and

Whereas, on May 15, 1993, the MPEA will pay tribute to those employees who have served the Authority for five years or more; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15, 1993, as METROPOLITAN PIER AND EXPOSITION AUTHORITY EMPLOYEE LONGEVITY DAY in Illinois in recognition of the years of commitment and contributions these employees have made in the area of public service.

Issued by the Governor March 9, 1993.

Filed with the Secretary of State March 12, 1993.

93-081

MULTIPLE SCLEROSIS AWARENESS DAY

Whereas, multiple sclerosis (MS) is a chronic, often disabling neurological disease affecting more than a quarter of a million Americans; and

Whereas, every hour, an adult, typically between the ages of 20 and 40, is diagnosed as having multiple sclerosis; and

Whereas, multiple sclerosis symptoms vary widely and may include impaired vision, loss of balance and muscle coordination, slurred speech, tremors, stiffness, bladder and bowel problems, abnormal fatigue, and, in the most severe cases, paralysis; and

Whereas, there is no cure, prevention, or known cause of multiple sclerosis; and

Whereas, founded in 1946, the National Multiple Sclerosis Society is the only nonprofit health organization in the United States supporting worldwide research into the cause, prevention, cure, and treatment of multiple sclerosis; and

Whereas, the Chicago-Greater Illinois Chapter of the National Multiple Sclerosis Society is one of 144 chapters and branches across the country providing health-related services such as counseling, information and referral, equipment assistance, education, employment services, and advocacy to people with MS and their families; and

Whereas, on March 28, the National Multiple Sclerosis Society is sponsoring the Super Cities Walk for MS to raise funds for MS research. The event is expected to attract more than 10,000 walkers in Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 28, 1993, as MULTIPLE SCLEROSIS AWARENESS DAY in Illinois.

Issued by the Governor March 9, 1993.

Filed with the Secretary of State March 12, 1993.

BANKS AND TRUST COMPANIES, COMMISSIONER OF

4 Ill. Adm. Code 375 Americans With Disabilities Act Grievance Procedure (A-15976/92; CC-1673)

CAPITAL DEVELOPMENT BOARD

4 Ill. Adm. Code 725 Americans With Disabilities Act Grievance Procedure (A-11432/92; CC-1673)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

44 Ill. Adm. Code 5000 Acquisition, Management & Disposal of Real Property (P-11378/92; A-1006) (P-2105) (E-2361)

80 Ill. Adm. Code 2160 Local Government Health Plan (P-3577)

80 Ill. Adm. Code 302 Merit & Fitness (P-17187/92; A-3169)

80 Ill. Adm. Code 310 Pay Plan (P-191; C-672) (P-13679/92; A-238) (PP-498) (P-13179/92; A-500) (P-14001/92; A-1819)

80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-2449)

44 Ill. Adm. Code 1 Standard Procurement (P-12808/92; A-600)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 304 Access to & Eligibility for Child Welfare Services (P-7545/92; A-251)

89 Ill. Adm. Code 336 Appeal of Child Abuse & Neglect Investigation Findings (P-7963/92; A-1026)

89 Ill. Adm. Code 330 Child Custody Investigations & Supervision Related to Custodian or Visitation Judgements (P-1259)

89 Ill. Adm. Code 377 Facilities & Programs Exempt from Licensure (P-7553/92; A-259)

89 Ill. Adm. Code 402 Licensing Standards for Foster Family Homes (P-11707/92; A-267)

89 Ill. Adm. Code 378 Multiple Licensure (PR-7561/92; AR-272)

89 Ill. Adm. Code 309 Review & Appeal Process (PR-7982/92; AR-1044)

89 Ill. Adm. Code 337 Service Appeal Process (P-7999/92; A-1046)

89 Ill. Adm. Code 302 Services Delivered by the Department (P-7565/92; A-274) (P-2460) (E-2513)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

4 Ill. Adm. Code 575 Americans With Disabilities Act Grievance Procedure (A-14621/92; CC-1673)

14 Ill. Adm. Code 520 Enterprise Zone Program (P-13691/92; A-1837)

47 Ill. Adm. Code 100 Low Income Home Energy Assistance Program (P-16707/92 A-3836)

1 Ill. Adm. Code 300 Small Business Impact Analysis Procedures (P-11391/92; A-1511)

47 Ill. Adm. Code 130 State Administration of the Ill. Neighborhood Corps Program (PR-1)

COMMERCE COMMISSION, ILLINOIS

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C - Notice of Corrections
CC - Codification Changes
E - Emergency Rule
ER - Emergency Repealer
M - Modification to meet JCAR objections
O - JCAR Statement of Objections
RQ - Request for Correction
EC - Expedited Corrections
P - Proposed Rule
PF - Prohibited Filing Order by JCAR*
PP - Peremptory or Court Ordered Rules
PR - Proposed Repealer
R - Refusal to meet JCAR Objection
RC - Statement of Recommendation
S - Suspension ordered by JCAR
W - Withdrawal to meet JCAR Objections
*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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1075.2390	n	(P-2727)	130.50	r	(P-1)
1075.2400	n	(P-2727)	130.60	r	(P-1)
1075.2410	n	(P-2727)	130.70	r	(P-1)
1075.2420	n	(P-2727)	130.80	r	(P-1)
1075.2430	n	(P-2727)	130.90	r	(P-1)
1075.2440	n	(P-2727)	130.100	r	(P-1)
1075.2450	n	(P-2727)	130.110	r	(P-1)
1075.2460	n	(P-2727)	370.101	n	(P-11713/92; A-319)
1075.2470	n	(P-2727)	370.102	n	(P-11713/92; A-319)
1075.2500	n	(P-2727)	370.103	n	(P-11713/92; A-319)
1075.2510	n	(P-2727)	370.104	n	(P-11713/92; A-319)
1075.2520	n	(P-2727)			
1075.2530	n	(P-2727)			
1075.2540	n	(P-2727)			
1075.2550	n	(P-2727)			
1075.2560	n	(P-2727)			
1075.2570	n	(P-2727)			
1075.2580	n	(P-2727)			
1075.100	n	(P-2727)			
1075.100	n	(P-2727)			

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TITLE 62	240.131	n	(P-13722/92; A-2217)	1210.200	r	(P-16374/92; A-1535)
	240.132	n	(P-13722/92; A-2217)	1210.210	r	(P-16374/92; A-1535)
	240.133	n	(P-13722/92; A-2217)	1210.220	r	(P-16374/92; A-1535)
	240.160	am	(P-13722/92; A-2217)	1210.230	r	(P-16374/92; A-1535)
	240.170	am	(P-13722/92; A-2217)	1210.235	am	(P-16374/92; A-1535)
	240.180	am	(P-13722/92; A-2217)	1210.240	am	(P-16374/92; A-1535)
	240.190	am	(P-13722/92; A-2217)	1210.250	r	(P-16374/92; A-1535)
	240.195	am	(E-1195)	1220.160	am	(P-15762/92; A-1559)
	240.1200	am	(P-3771)	1220.170	n	(P-15762/92; A-1559)
	240.1200	n	(P-3771)	1220.260	am	(P-15762/92; A-1559)
	240.1205	n	(P-3771)	1220.270	am	(P-15762/92; A-1559)
	240.1210	n	(P-3771)	1220.360	n	(P-15762/92; A-1559)
	240.1220	n	(P-3771)	1220.435	r	(P-15762/92; A-1559)
	240.1230	n	(P-3771)	1220.440	n	(P-15762/92; A-1559)
	240.1240	n	(P-3771)	1220.525	n	(P-15762/92; A-1559)
	240.1250	n	(P-3771)	1220.Ap.B	am	(P-1708)
	240.1260	n	(P-3771)	1220.Ap.C	r	(P-1708)
	240.1270	n	(P-3771)	1240.5	r	(P-15775/92; A-1579)
	240.1280	n	(P-3771)	1240.10	am	(P-15775/92; A-1579)
	TITLE 68	750.1010	am	(P-15056/92; A-417)	1240.15	am
750.3000		am	(P-15056/92; A-417)	1240.50	am	(P-15775/92; A-1579)
750.3010		am	(P-15056/92; A-417)	1240.51	am	(P-15775/92; A-1579)
750.3055		am	(P-15056/92; A-417)	1300.48	am	(P-16484/92; A-1572)
750.4000		am	(P-15056/92; A-417)	1455.10	n	(P-15785/92; A-1589)
750.4010		am	(P-15056/92; A-417)	1455.15	n	(P-15785/92; A-1589)
1150.40		am	(P-17042/92; A-1554)	1455.20	n	(P-15785/92; A-1589)
1210.10		am	(P-16374/92; A-1535)	1455.30	n	(P-15785/92; A-1589)
1210.20		am	(P-16374/92; A-1535)	1455.40	n	(P-15785/92; A-1589)
1210.25		n	(P-16374/92; A-1535)	1455.50	n	(P-15785/92; A-1589)
1210.30		r	(P-16374/92; A-1535)	1455.60	n	(P-15785/92; A-1589)
1210.40		r	(P-16374/92; A-1535)	1455.70	n	(P-15785/92; A-1589)
1210.50		r	(P-16374/92; A-1535)	1455.80	n	(P-15785/92; A-1589)
1210.60		am	(P-16374/92; A-1535)	1465.200	r	(P-890)
1210.70		am	(P-16374/92; A-1535)	1455.210	r	(P-890)
1210.80		am	(P-16374/92; A-1535)	1455.300	am	(P-890)
1210.90		am	(P-16374/92; A-1535)	1465.35	n	(P-890)
1210.100		r	(P-16374/92; A-1535)	1465.36	n	(P-890)
1210.105		am	(P-16374/92; A-1535)	1465.80	n	(P-890)
1210.110		am	(P-16374/92; A-1535)	1465.90	am	(P-890)
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	1210.150	am	(P-16374/92; A-1535)	730.10	r	(P-3831)
	1210.160	am	(P-16374/92; A-1535)	730.20	r	(P-3831)
	1210.170	am	(P-16374/92; A-1535)	730.30	n	(P-3831)
	1210.180	am	(P-16374/92; A-1535)	730.40	n	(P-3831)
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	1210.190	am	(P-16374/92; A-1535)			

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740.20	am	(P-585)	300.270 am (P-1346)
740.30	am	(P-585)	300.271 n (E-2420)
740.30	n	(P-585)	300.278 am (E-2420)
750.10	r	(P-762)	300.290 am (E-2420)
750.10	n	(P-777)	300.630 am (P-1346)
750.20	r	(P-762)	300.660 am (P-1346)
750.20	n	(P-777)	300.665 am (P-1346)
750.30	r	(P-762)	300.3210 am (P-1346)
750.30	n	(P-777)	300.3330 am (P-1346)
750.40	r	(P-762)	330.175 am (P-1321)
750.40	n	(P-777)	330.180 am (P-1321)
750.41	r	(P-762)	330.260 am (E-2405)
750.50	r	(P-762)	330.270 am (P-1321)
750.50	n	(P-777)	330.271 n (E-2405)
750.60	r	(P-762)	330.278 am (E-2405)
750.60	n	(P-777)	330.290 am (E-2405)
750.70	r	(P-762)	330.730 am (P-1321)
750.70	n	(P-777)	330.916 r (P-1321)
750.80	r	(P-762)	330.4210 am (P-1321)
750.80	n	(P-777)	330.4330 am (P-1321)
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750.100	n	(P-777)	350.270 am (P-1269)
750.110	r	(P-762)	350.271 n (E-2373)
750.110	n	(P-777)	350.278 am (E-2373)
750.120	r	(P-762)	350.290 am (E-2373)
750.120	n	(P-777)	350.640 am (P-1269)
750.130	r	(P-762)	350.680 am (P-1269)
750.130	n	(P-777)	350.685 am (P-1269)
750.140	r	(P-762)	350.3210 am (P-1269)
750.140	n	(P-777)	350.3330 am (P-1269)
750.150	n	(P-777)	350.3730 am (P-1269)
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			390.3210 am (P-1296)
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395.130 am	(P-8066/92; A-2984)	697.30 am	(E-1204) (P-2687)
395.140 am	(P-8066/92; A-2984)	750.540 am	(P-723)
395.150 am	(P-8066/92; A-2984)	750.1810 am	(P-723)
395.160 am	(P-8066/92; A-2984)	750.1820 am	(P-723)
395.170 am	(P-8066/92; A-2984)	750.1830 am	(P-723)
395.175 n	(P-8066/92; A-2984)	750.1855 n	(P-723)
395.180 am	(P-8066/92; A-2984)	750.1865 am	(P-723)
395.190 am	(P-8066/92; A-2984)	750.Ap.B am	(P-723)
395.200 r	(P-8066/92; A-2984)	750.Ap.C am	(P-723)
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395.400 am	(P-8066/92; A-2984)	775.10 am	(P-906)
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630.90 am	(P-8103/92; A-3013)	775.70 am	(P-906)
630.200 am	(P-8103/92; A-3013)	775.110 am	(P-906)
630.220 am	(P-3069)	775.140 am	(P-906)
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665.110 r	(P-2697)	785.120 am	(P-920)
665.120 am	(P-2697)	785.200 am	(P-920)
665.140 am	(P-2697)	785.290 am	(P-920)
665.150 am	(P-2697)	785.300 am	(P-920)
665.210 am	(P-2697)	785.355 n	(P-920)
665.220 am	(P-2697)	785.578 n	(P-920)
665.230 am	(P-2697)	785.1210 n	(P-920)
665.240 am	(P-2697)	785.1220 n	(P-920)
665.280 am	(P-2697)	840.20 am	(P-4329/92; A-2319)
665.310 am	(P-2697)	840.115 am	(P-4329/92; A-2319)
665.420 am	(P-2697)	840.210 am	(P-4329/92; A-2319)
665.430 am	(P-2697)	840.215 am	(P-4329/92; A-2319)
665.510 am	(P-2697)	840.305 am	(P-4329/92; A-2319)
665.610 am	(P-2697)	840.310 am	(P-4329/92; A-2319)
665.620 am	(P-2697)	840.Ap.B	
665.630 am	(P-2697)	.Ex.A am	(P-4329/92; A-2319)
665.640 am	(P-2697)	.Il.A r	(P-4329/92; A-2319)
665.Ap.B r	(P-2697)	.Ex.B n	(P-4329/92; A-2319)
693.15 am	(E-1213) (P-2711)	.Il.B r	(P-4329/92; A-2319)
693.20 am	(E-1213) (P-2711)	840.Ap.C	
694.20 am	(P-13414/92; A-2306)	.Ex.B am	(P-4329/92; A-2319)
694.100 am	(P-13414/92; A-2306)	845.10 am	(P-12314/92; A-1884)
694.110 am	(P-13414/92; A-2306)	845.15 n	(P-12314/92; A-1884)
694.120 am	(P-13414/92; A-2306)	845.20 am	(P-12314/92; A-1884)
694.120 am	(P-13414/92; A-2306)	845.23 n	(P-12314/92; A-1884)
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694.Ap.B r	(P-13472/92; A-2975)	845.26 n	(P-12314/92; A-1884)
695.10 am	(P-13472/92; A-2975)	845.28 n	(P-12314/92; A-1884)
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	M-2073	310.530 am	(P-14001/92; A-1819)
845.40 am	(P-12314/92; A-1884)	310.540 am	(P-14001/92; A-1819)
845.50 am	(P-12314/92; A-1884)	310.Ap.C am	(P-14001/92; A-1819)
845.60 r	(P-12314/92; A-1884)	310.Ap.D am	(P-14001/92; A-1819)
845.Ap.A n	(P-12314/92; A-1884)	310.Ap.A am	(PP-498) (P-13179/92; A-590)
845.Ex.A n	(P-12314/92; A-1884)	.Tb.M n	(P-13179/92; A-590)
845.Ex.B n	(P-12314/92; A-1884)	.Tb.N am	(PP-498)
845.Ex.C n	(P-12314/92; A-1884)	310.Ap.B am	(P-13679/92; A-238)
845.Ap.B n	(P-12314/92; A-1884)	310.Ap.C am	(P-191)
845.Ap.C n	(P-12314/92; A-1884)	420.330 am	(P-15342/92; A-1652)
845.II.A n	(P-12314/92; A-1884)	620.130 am	(P-11724/92; P-12409/92; W-869) (P-91; W-869)
845.Ap.D n	(P-12314/92; A-1884)	1200.10 am	(P-3703)
845.II.A n	(P-12314/92; A-1884)	1200.20 am	(P-3703)
845.Ap.E n	(P-12314/92; A-1884)	1200.30 am	(P-3703)
1120.20 n	(P-5205/92; RC-1244)	1200.40 am	(P-3703)
1120.120 n	(P-5205/92; RC-1244)	1200.50 am	(P-3703)
1120.310 n	(P-5205/92; RC-1244)	1200.60 am	(P-3703)
1120.Ap.A n	(P-5205/92; RC-1244)	1200.80 am	(P-3703)
1130.Ap.A am	(P-4755/92; O-1242)	1200.90 am	(P-3703)
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1235.20 n	(E-432; O-3056) (P-683)	1200.120 am	(P-3703)
1235.30 n	(E-432; O-3056) (P-683)	1200.130 am	(P-3703)
1235.40 n	(E-432; O-3056) (P-683)	1200.140 am	(P-3703)
1235.50 n	(E-432; O-3056) (P-683)	1200.150 am	(P-3703)
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1235.200 n	(E-432; O-3056) (P-683)	1210.100 am	(P-3734)
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1235.220 n	(E-432; O-3056) (P-683)	1210.160 am	(P-3734)
1235.230 n	(E-432; O-3056) (P-683)	1210.170 am	(P-3734)
1235.240 n	(E-432; O-3056) (P-683)	1210.180 am	(P-3734)
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310.110 am	(P-13679/92; A-238)	1230.90 am	(P-3718)
310.130 am	(P-13679/92; A-238)	1230.150 am	(P-3718)
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		1230.180 am	(P-3718)
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1650.230	am	(P-12384/92; A-1631)	315.40	n	(P-202)
1650.240	am	(P-12384/92; A-1631)	315.50	n	(P-202)
1650.290	am	(P-12384/92; A-1631)	315.60	n	(P-202)
1650.330	am	(P-12384/92; A-1631)	590.10	am	(P-2466)
1650.340	am	(P-12384/92; A-1631)	756.210	am	(P-14004/92; A-1848)
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1650.410	am	(P-12384/92; A-1631)			
1650.450	am	(P-12384/92; A-1631)			
1650.460	am	(P-12384/92; A-1631)			
1650.510	am	(P-12384/92; A-1631)			
1650.520	am	(P-12384/92; A-1631)			
1650.570	am	(P-12384/92; A-1631)			
1650.620	am	(P-12384/92; A-1631)			
1650.630	am	(P-12384/92; A-1631)			
1650.640	am	(P-12384/92; A-1631)			
1650.650	am	(P-12384/92; A-1631)			
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2160.130	am	(P-3577)			
2160.210	am	(P-3577)			
2160.220	am	(P-3577)			
2160.250	am	(P-3577)			
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2160.320	am	(P-3577)			
2160.325	am	(P-3577)			
2160.330	am	(P-3577)			
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210.120	am	(P-2718)	114.126	r	(P-15810/92; A-3255)
210.125	am	(E-665) (P-2718)	114.127	r	(P-15810/92; A-3255)
210.126	n	(E-665) (P-2718)	114.128	r	(P-15810/92; A-3255)
210.130	am	(P-2718)	114.129	r	(P-15810/92; A-3255)
530.115	am	(P-3104)	114.130	r	(P-15810/92; A-3255)
530.125	am	(P-3104)	114.135	r	(P-15810/92; A-3255)
535.101	n	(P-15340/92; A-3042)	114.270	r	(P-15008/92; A-2277)
535.105	n	(P-15340/92; A-3042)	114.420	am	(P-15008/92; A-2277)
535.110	n	(P-15340/92; A-3042)	114.430	am	(P-15008/92; A-2277)
535.115	n	(P-15340/92; A-3042)	114.440	n	(P-14538/92; A-3639)
535.120	n	(P-15340/92; A-3042)	116.400	am	(P-13764/92; A-1078)
535.125	n	(P-15340/92; A-3042)	116.500	am	(P-13764/92; A-1078)
535.130	n	(P-15340/92; A-3042)	116.520	r	(P-13764/92; A-1078)
535.135	n	(P-15340/92; A-3042)	117.15	n	(P-13764/92; A-1078)
535.140	n	(P-15340/92; A-3042)	120.61	am	(P-2126) (E-2368)
535.145	n	(P-15340/92; A-3042)	120.70	am	(P-2114)
			120.73	am	(P-711)
			120.75	n	(P-711)
			120.385	r	(P-14544/92; A-1102)
			121.3	am	(P-13385/92; A-644)
			121.41	am	(P-13385/92; A-644)
			121.59	am	(P-13385/92; A-644)
			121.76	n	(P-13385/92; A-644)
			140.19	am	(P-62)
			140.80	n	(P-15019/92; A-3421)
			140.82	n	(P-15019/92; A-3421)
			140.84	n	(P-15019/92; A-3421)
			140.94	am	(P-15019/92; A-3421)
			140.95	am	(P-15019/92; A-3421)
			140.92	am	(P-13397/92; O-1241;
					A-2290; R-2436; F-3058)
			140.525	am	(P-13211/92; A-837)
			140.538	am	(P-13211/92; A-837)
			140.700	am	(P-7576/92; A-1112)
			140.7b,K	am	(P-15296/92; A-2951)
			144.5	am	(P-2477)
			144.25	am	(P-2477)
			144.50	am	(P-2477)
			144.75	am	(P-2477)
			144.125	am	(P-2477)
			144.150	am	(P-2477)
			144.175	am	(P-2477)
			144.205	am	(P-2477)
			144.230	n	(P-899)
			144.250	am	(P-2477)
			147.5	am	(P-1716)

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TITLE 89 (CONT'D)				TITLE 92			
337.30	n	(P-7999/92; A-1046)	690.100	am	(P-15065/92; A-3675)		
337.40	n	(P-7999/92; A-1046)	690.200	am	(P-15065/92; A-3675)		
337.50	n	(P-7999/92; A-1046)	690.300	am	(P-15065/92; A-3675)		
337.60	n	(P-7999/92; A-1046)	690.400	am	(P-15065/92; A-3675)		
337.70	n	(P-7999/92; A-1046)	730.700	r	(P-10397/92; A-425)		
337.80	n	(P-7999/92; A-1046)	827.10	am	(P-77)		
337.90	n	(P-7999/92; A-1046)	827.30	am	(P-77)		
337.100	n	(P-7999/92; A-1046)	827.40	am	(P-77)		
337.110	n	(P-7999/92; A-1046)	1200.10	am	(P-15354/92; A-1137)		
337.120	n	(P-7999/92; A-1046)	1200.20	am	(P-15354/92; A-1137)		
337.130	n	(P-7999/92; A-1046)	1200.30	am	(P-15354/92; A-1137)		
337.140	n	(P-7999/92; A-1046)	1200.40	am	(P-15354/92; A-1137)		
337.150	n	(P-7999/92; A-1046)	1200.50	am	(P-15354/92; A-1137)		
337.160	n	(P-7999/92; A-1046)	1200.60	am	(P-15354/92; A-1137)		
337.170	n	(P-7999/92; A-1046)	1200.70	am	(P-15354/92; A-1137)		
337.180	n	(P-7999/92; A-1046)	1200.80	am	(P-15354/92; A-1137)		
337.190	n	(P-7999/92; A-1046)	1200.100	am	(P-15354/92; A-1137)		
337.200	n	(P-7999/92; A-1046)	1200.110	am	(P-15354/92; A-1137)		
337.210	n	(P-7999/92; A-1046)	1200.Ap.A	am	(P-15354/92; A-1137)		
337.220	n	(P-7999/92; A-1046)					
337.230	n	(P-7999/92; A-1046)	67.10	n	(P-1767)		
337.240	n	(P-7999/92; A-1046)	67.20	n	(P-1767)		
337.250	n	(P-7999/92; A-1046)	67.30	n	(P-1767)		
377.2	am	(P-7553/92; A-259)	67.40	n	(P-1767)		
377.4	am	(P-7553/92; A-259)	67.50	n	(P-1767)		
378.1	r	(P-7561/92; A-272)	67.60	n	(P-1767)		
378.2	r	(P-7561/92; A-272)	67.70	n	(P-1767)		
378.3	r	(P-7561/92; A-272)	67.80	n	(P-1767)		
378.4	r	(P-7561/92; A-272)	67.90	n	(P-1767)		
402.15	am	(P-11707/92; A-267)	67.100	n	(P-1767)		
505.5	am	(P-1731)	67.110	n	(P-1767)		
505.10	am	(P-1731)	67.120	n	(P-1767)		
505.30	am	(P-1731)	67.130	n	(P-1767)		
505.40	am	(P-1731)	67.140	n	(P-1767)		
505.50	am	(P-1731)	67.Ex.A	n	(P-1767)		
505.60	am	(P-1731)	77.10	n	(P-1789)		
505.70	am	(P-1731)	77.20	n	(P-1789)		
505.80	am	(P-1731)	77.30	n	(P-1789)		
525.500	n	(P-947)	77.40	n	(P-1789)		
562.20	am	(P-14189/92; A-3895)	77.50	n	(P-1789)		
562.30	am	(P-14189/92; A-3895)	77.60	n	(P-1789)		
567.20	am	(P-10403/92; A-149)	77.70	n	(P-1789)		
567.30	am	(P-10403/92; A-149)	77.80	n	(P-1789)		
567.100	am	(P-10403/92; A-149)	77.90	n	(P-1789)		
587.610	n	(P-952; W-3686)	77.100	n	(P-1789)		
592.50	am	(P-1375; W-3687)	77.110	n	(P-1789)		
592.80	am	(P-1375; W-3687)	77.120	n	(P-1789)		
680.300	am	(P-943)	77.130	n	(P-1789)		

